

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 August 4, 2009.

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

-----X
Brandpartners Retail, Inc.,
Plaintiff-Appellant,

-against-

New Ground Resources, Inc.,
Defendant-Respondent.

M-3104X
Index No. 112832/08

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 26, 2008 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 6, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 August 4, 2009.

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

-----X
JPMorgan Chase Bank, N.A.,
Plaintiff-Respondent,

-against-

M-3120X
Index No. 650359/08

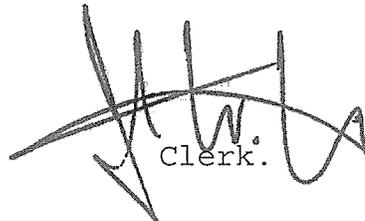
Daibes Enterprises LLC and
Fred A. Daibes,
Defendants-Appellants.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about April 29, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 7, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 August 4, 2009.

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

-----X
In the Matter of the Application to
Confirm an Arbitration Award
Pursuant to CPLR Article 75 by

Halachic Organ Donor Society,
Petitioner-Respondent,

-against-

M-3137X
Index No. 104855/08

Rachsham Group, Inc.,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 24, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 7, 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 August 4, 2009.

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

-----X
Annmarie D'Amour, et al.,
Plaintiffs-Appellants/Respondents,

-against-

M-3166X
Index No. 601418/06

Ohrenstein & Brown, LLP, et al.,
Defendants-Respondents/Appellants.
-----X

Separate appeals having been taken from the order(s) of the Supreme Court, New York County, entered on or about November 6, 2008 (mot. seq. nos. 003, 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 8, 2009, and due deliberation having been had thereon,

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

ENTER:


clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

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

-----X
Apthorp Associates, LLC,
Plaintiff-Appellant,

-against-

M-3167X
Index No. 601721/08

390 West End Associates, LLC and
Anthony P. Uzzo,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 9, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 8, 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 August 4, 2009.

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

-----X
Joanne Jackson and Keith Jackson,
Plaintiffs-Respondents,

-against-

M-3168X
Index No. 104173/05

Marfarr Cab Corp. and Dilawar
Chaudhary,
Defendants-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about March 26, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 8, 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 August 4, 2009.

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

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

-against-

M-2157 (D.C. #23)
M-2322
Case No. 61998C/04

Sedrick McEaddy,
Defendant-Appellant.

-----X
An appeal having been taken to this Court by defendant from the order of the Supreme Court, Bronx County (Newman, J.), entered on or about November 27, 2007,

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

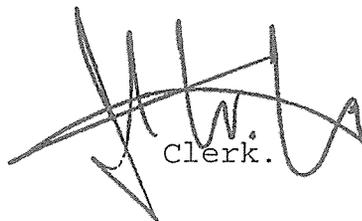
And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice (M-2157 [D.C. #23]),

And assigned counsel having moved to dismiss the present SORA appeal, or for alternative relief (M-2322),

Now, upon the Court's own motion (M-2157 [D.C. #23]), and upon reading and filing the papers with respect to assigned counsel's motion (M-2322), and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent of deeming the appeal 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 August 4, 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, M-2175 (DC #37)
M-2271
-against- Ind. No. 1431/07

Derek Weaver,
Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 21, 2007,

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

And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice (M-2175 [DC #37]),

And assigned counsel having moved for dismissal of the aforesaid appeal as abandoned (M-2271),

Now, upon the Court's own motion (M-2175 [DC #37]), and upon reading and filing the papers with respect to the motion (M-2271), and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent of deeming the appeal 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 August 4, 2009.

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

-----X
Carmen Garcia,
Plaintiff-Appellant,

-against-

M-1927
Index No. 28912/01

Barry Dolich, M.D.,
Defendant-Respondent.

-----X

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

And defendant-respondent having moved for an order dismissing the aforesaid appeal, or for alternative 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, without prejudice to respondent raising the issues in response to the appeal from the judgment which appellant is directed to perfect on or before October 5, 2009 for the December 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 August 4, 2009.

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

-----X

Virginia Botzakis and Virginia Pampafikos,

Claimants-Appellants,

-against-

The State of New York,
Defendant-Respondent.

-----X

Virginia Botzakis,
Claimant-Appellant,

-against-

The State of New York,
Defendant-Respondent.

-----X

Virginia Pampafikos,
Claimant-Appellant,

-against-

The State of New York,
Defendant-Respondent.

-----X

Separate appeals having been taken by claimants-appellants from the orders of the Court of Claims of the State of New York, entered on or about March 7, 2008 and July 23, 2008, respectively,

And claimants-appellants having moved for an enlargement of time in which to perfect the aforesaid appeals (M-2391),

And defendant-respondent having cross-moved to dismiss the aforesaid appeals (M-2486),

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 taken from the order entered on or about July 23, 2008 to on or before September 8, 2009 for the November 2009 Term. The cross motion is granted to the extent of dismissing the appeal taken from the order entered on or about March 7, 2008.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

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

-----X
In the Matter of the Application of
Anne Baldwin,
Petitioner,

For a Judgment Pursuant to Article 78 of the CPLR, M-2696
Index No. 400571/08

-against-

Tino Hernandez, as Chairperson and
Member of the New York City Housing
Authority,
Respondent.

-----X

Respondent having moved to dismiss the proceeding transferred to this Court pursuant to CPLR 7804(g) by the order of the Supreme Court, New York County, entered on or about August 7, 2008 (mot. seq. no. 001),

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

Ordered that the motion is denied. Petitioner is directed to perfect the proceeding on or before September 8, 2009 for the November 2009 Term, with no further enlargements to be granted.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 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-3078
Ind. No. 4745/07

Bishme Ayers,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 9, 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, 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 August 4, 2009.

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

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

-against-

M-3079
Ind. No. 4596/06

Walter Cates, Sr., also known as
Walter Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 10, 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

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 August 4, 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-3082
Ind. No. 5026/07

John Jefferson,
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 June 22, 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

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 August 4, 2009.

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

-----X
Benjamin Scott Corp.,
Petitioner-Landlord-Respondent,

-against-

M-2679
M-2797
Index No. 570519/07

Mark Lydia, Bridget Lydia and
Kristine Lydia, et al.,
Respondents-Tenants-Appellants.
-----X

Petitioner-landlord-respondent having moved (M-2679) and respondents-tenants-appellants having cross-moved (M-2797) 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 April 8, 2009,

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 and cross motion are denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David Friedman
James M. Catterson
Dianne T. Renwick, Justices.

-----X
In re James Smith, et al.,
Petitioners-Respondents,

-against-

M-2321
Index No. 400163/08

Shaun Donovan, as Commissioner of
the Department of Housing Preservation
and Development,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 16, 2009 (Appeal No. 5273),

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 August 4, 2009.

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

-----X
Susan D. Fine Enterprises, LLC,
Plaintiff-Respondent,

-against-

M-2866
Index No. 101160/08

Norman Steele, et al.,
Defendants,

Vincent Polimeni,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 16, 2009 (Appeal No. 334),

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 August 4, 2009.

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

-----X
Anatoly Rokhvarger,

Plaintiff-Respondent,

-against-

M-2758
Index No. 117497/00

Nucon Systems, Inc.,

Defendant-Appellant.
-----X

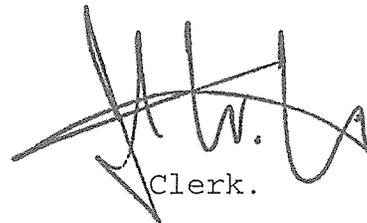
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about April 30, 2009,

And plaintiff-respondent having moved for a preference expediting the hearing of defendant'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 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 August 4, 2009.

PRESENT - Hon: Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-325
Ind. No. 1939/06

Morris Grady, also known as
Grady E. Morris,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2007,

And respondent People having moved for an order compelling disclosure of a certain ex parte communication submitted to the trial court, or in the alternative, striking portions of Point I of defendant's brief which refers thereto,

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 appellant to provide to the Clerk's office of this Court, under seal, the document submitted ex parte to the trial court in order to determine the relevancy thereof on the present appeal, and if so, under what conditions, in any, such letter may be made available to the People.

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 August 4, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-2916
Ind. No. 6603/04

Michael Dalton,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 4, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

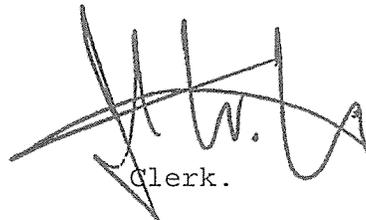
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 August 4, 2009.

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

-----X

IRB-Brasil Resseguros S.A.,
Plaintiff-Respondent,

-against-

M-1632

Index No. 604449/06

Portobello International Limited,
et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2009 (Appeal No. 5386N),

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 August 4, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Reginald W.,

A Person Alleged to Be a Juvenile
Delinquent,

M-2286
Docket No. D21768/08

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about November 25, 2008, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted and pursuant to Section 35 of the Judiciary Law, Article 18B of the County Law and Section 1120 of the Family Court Act Julian Hertz, Esq., 15 Sherwood Drive, Larchmont, NY 10538, Telephone No. (914) 834-5461, is assigned as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) enlarging the time to perfect the appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

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

-----X
Citidress II, etc.,
Plaintiff-Appellant-Respondent,

-against-

M-2933
Index No. 121848/99

207 Second Avenue Realty Corp.,
et al.,
Defendants.

Hinshaw & Culbertson LLP,
Non-Party Respondent-Appellant,

Bleakley Platt & Schmidt, LLP,
Non-Party Respondent.

[And Another Action]
-----X

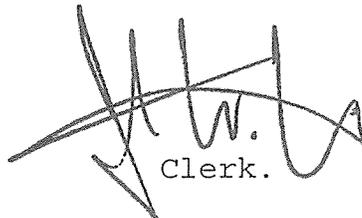
A decision and order of this Court having been entered on February 10, 2009 (Appeal No. 5211N), unanimously affirming the order of the Supreme Court, New York County, entered on or about October 25, 2007,

And plaintiff-appellant-respondent having moved for clarification of the aforesaid decision and order of this Court,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from counsel for plaintiff-appellant-respondent dated July 8, 2009, and due deliberation having been had thereon, it is

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

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Dustin Dibble,

Plaintiff-Respondent,

M-2993
Index No. 116779/06

-against-

New York City Transit Authority,

Defendant-Appellant.
-----X

Plaintiff-respondent having moved for an order dismissing the appeal taken by defendant-appellant from the judgment of the Supreme Court, New York County, entered on or about April 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 denied and, sua sponte, defendant-appellant is directed to perfect the appeal on or before October 5, 2009 for the December 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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2851
Ind. No. 6424/08

Jose Rivera,
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 March 10, 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,

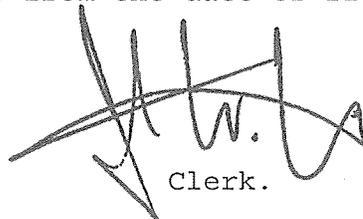
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2867
Ind. No. 167/00

Javon Hoskins,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 3, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, 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 **resentence**. 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, Tel. 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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-2860
Ind. No. 5132/08

Kelvin Alexander,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to show the merit of contentions, as well as a statement detailing the amount and sources of his income and listing his property with its value.

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-2930
Ind. No. 3010/08

Luis Pauletta,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 15, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2847
Ind. No. 4353/08

Rafael Guerrero,
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 April 3, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute 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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices

-----X
In the Matter of a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

- - - - -
Sandra G.,

Petitioner-Respondent,

-against-

Victor P.,

Respondent-Appellant.
-----X

M-2652
Docket Nos. V8320/07
O5799/07

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about July 29, 2008,

And respondent-appellant father having moved for an order reversing the order appealed and dismissing the underlying petition or, in the alternative, holding the appeal in abeyance and remanding the matter for a reconstruction hearing or 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 August 4, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

Winston Capital, LLC and Joshua Kirschenbaum,

Petitioners-Appellants,

-against-

M-3140
Index No. 107466/08

A. Abadian, B.V.B.A. and Andre Y. Abadjian,

For an Order Pursuant to Sections 5203, 5236 and 5239 of the Civil Practice Law and Rules,

Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about September 8, 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 appellants' time in which to perfect the appeal to on or before September 8, 2009 for the November 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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Dashawn W.,
Diamonaysia B.,
Jayquan N.
and Justin N.,

M-3192
Docket Nos. N1670/07
N1671/07
N1672/07
N1673/07

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

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

Antoine N.,
Respondent-Respondent,

Ronnelle B.,
Respondent-Respondent.

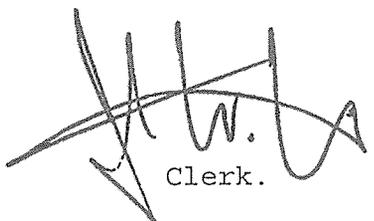
Steven Banks, Esq.,
Law Guardian for the Children.

-----X

Petitioner-appellant Agency having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about February 28, 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 on or before September 8, 2009 for the November 2009 Term, with no further enlargements 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 August 4, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Robert Brody,
Plaintiff-Respondent,

-against-

M-3196
Index No. 602707/07

466 Broome Street of New York City,
Inc., et al.,
Defendants-Appellants.

-----X

Defendants-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 September 24, 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 on or before September 8, 2009 for the November 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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Phyllis J. Sirico, et al.,
Plaintiffs-Appellants,

-against-

M-3049
Index No. 604403/05

F.G.G. Productions, Inc.,
Defendant-Respondent.

-----X

An order of this Court having been entered December 18, 2008 (M-5288) consolidating the appeals taken from the orders of the Supreme Court, New York County, entered on or about January 4, 2008 (mot. seq. no. 001) and August 22, 2008 (mot. seq. no. 003), respectively,

And plaintiffs-appellants having moved for an enlargement of time in which to perfect the consolidated appeals,

And defendant-respondent having filed papers in opposition to the motion,

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 to on or before September 8, 2009 for the November 2009 Term, with no further enlargements 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 August 4, 2009.

PRESENT - Hon: Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Armin A. Meizlik Co., Inc., doing
business as Armin Meizlik and
Armin Meizlik, LLC, doing business as
Armin Meizlik,
Plaintiffs-Respondents,

-against-

M-3023
M-3255
Index No. 602296/06

L & K Jewelry Inc. and
Yeung Sui Heung, also known as MiMi,
Defendants-Appellants.

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

-----X

Defendants/third-party plaintiffs-appellants L&K Jewelry Inc., et al. 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 September 11, 2008 (mot. seq. no. 004),

And plaintiffs-respondents Armin A. Meizlik Co., Inc., etc., al. having cross-moved to dismiss 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 is granted to the extent of enlarging the time in which to perfect the appeal from the order entered on or about September 11, 2008 to on or before September 8, 2009 for the November 2009 Term, to which Term the appeal taken from the order of said Court entered on or about May 23, 2008 is adjourned. The Clerk of the Court is directed to calendar the appeals for hearing together in said November 2009 Term, and it is further,

Ordered that the cross motion to dismiss the appeal is granted unless appellants so perfect. Upon failure to so perfect, an order dismissing the appeal from the order of Supreme Court, New York County, entered on or about September 11, 2008 may be entered ex parte, provided that respondents serve a copy of this order upon appellants within 10 days from the date of entry hereof.

E N T E R:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Lon Silvers, as Administrator of the
Estate of Ralph Silvers,
Claimant-Appellant-Respondent,

-against-

Court of Claims
M-3119
Claim No. 110663

The State of New York,
Defendant-Respondent-Appellant,

The State Insurance Fund,
Defendant.

-----X
An appeal and cross appeal having been taken from an order of the Court of Claims entered on or about May 2, 2007,

And defendant-respondent-appellant having moved for an enlargement of time in which to perfect the cross appeal, and related relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated July 14, 2009, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of adjourning the appeal and cross appeal to the November 2009 Term, 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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Frank H. Sellman,

Plaintiff-Respondent,

-against-

M-2721
Index No. 350432/06

Marcia Sellman,

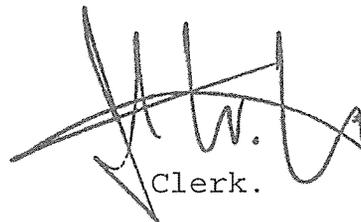
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of divorce of the Supreme Court, New York County, entered on or about September 2, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Daniel Bandachowicz, et al.,

Plaintiffs-Appellants,

-against-

M-2974
Index No. 108830/08

Gavin McFarland, et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 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 December 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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Gunn, Steers & Company, L.L.C.
and John F. Gunn,

Plaintiffs-Appellants,

-against-

M-3138
Index No. 602318/07

William M. Steers,

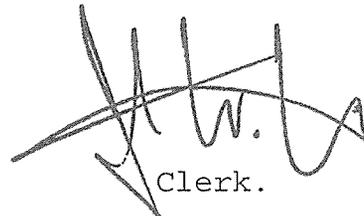
Defendant-Respondent.
-----X

Plaintiffs having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 6, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Michael Chenkin,

Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-3048
Index No. 107647/07

New York City Council,

Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 31, 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 on or before October 5, 2009 for the December 2009 Term, with no further enlargements 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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Nadia Jamal-Eddine,
Plaintiff,

-against-

Federated Department Stores, Inc.,
et al.,
Defendants.

M-3011
Index No. 114188/05

-----X
Federated Department Stores, Inc.,
et al.,
Third-Party Plaintiffs-Respondents,

-against-

Richemont North America, Inc.,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant Richemont North America, Inc., having moved for an enlargement of time in which to perfect the consolidated appeals from order(s) of the Supreme Court, New York County, entered on or about June 17, 2008 (mot. seq. no. 002) and January 16, 2009 (mot. seq. no. 003), respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the December 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 August 4, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John T. Buckley
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of a Proceeding for
Custody and/or Visitation under
Article 6 of the Family Court Act.

Fay Toby S.,
Petitioner-Appellant,

M-2209 (DC #57)
Docket No. V15910/06

-against-

Marc S.,
Respondent-Respondent.

-----X

Consolidated appeals having been taken to this Court from orders of the Family Court, New York County, entered on or about June 19, 2007, July 24, 2007 and November 8, 2007, respectively,

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

And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice,

Now, upon the Court's own motion, it is

Ordered that the time to perfect the consolidated appeals is enlarged to the December 2009 Term, and counsel for appellant is directed to so perfect.

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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

Iris R.,
Petitioner-Respondent,

-against-

M-2954
Docket Nos. V26895/04/06 A&B

Jose R.,
Respondent,

Lisa R.,
Respondent-Appellant.

-----X

Respondent-appellant mother having renewed her motion for an enlargement of time in which to perfect her appeal from an order of the Family Court, Bronx County, entered on or about November 8, 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 on condition said appeal is perfected within 60 days of the receipt of the transcript of the Family Court proceedings. Counsel is directed to immediately inquire of the Clerk of the Family Court as to the status of the previously ordered transcripts.

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Peter Cooke-Zwiebach, Robert
Cooke-Zwiebach, Liza Cooke-
Zwiebach, and Judith Zwiebach,
Plaintiffs-Respondents,

-against-

M-2952
Index No. 104181/06

Robert I. Oziel, Robert W. Seavey,
Bernard H. Vogel and Seavey Vogel &
Oziel, LLP.,
Defendants-Appellants.

-----X

An order of this Court having been entered on July 2, 2009 (M-2529 & M-2530), granting defendants an enlargement of time in which to perfect the appeals taken from the order and judgment of the Supreme Court, New York County, entered on or about August 26, 2008 and October 16, 2008, respectively, with no further enlargements to be granted,

And defendants-appellants having now moved for a further enlargement of time in which to perfect 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 denied. The attention of the defendants is directed to the aforementioned order of this Court entered on July 2, 2009 (M-2529 & M-2530).

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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
EVP Fourth Corp., et al.,
Plaintiffs-Appellants,

-against-

M-3139
Index No. 601094/06

Rowland K. Rebele, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 9, 2007 (mot. seq. no. 001),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
Mel Hantz,

Petitioner-Respondent,

-against-

M-2951
Index No. 106738/09

Hillman Housing Corporation,

Respondent-Appellant.
-----x

Respondent-appellant having moved for a stay of all trial court proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about June 19, 2009 (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.

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 August 4, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Robert J. Musso, as Trustee of the
Estate of Tong Lin Wu,
Plaintiff-Respondent/Appellant-
Respondent,

-against-

Hsing Wei Chien and M.T.P. Auto Leasing M-3034
& Services, Inc., Index No. 110519/05
Defendants,

Daniel Fernandez,
Defendant-Appellant/Respondent-
Appellant.

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

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 11, 2009; and an appeal and cross appeal having been taken from the order of said Court entered on or about April 22, 2009,

And defendant-appellant/respondent-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeals and cross appeal,

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

It is ordered that the motion is granted, and trial is stayed pending hearing and determination of the appeals and cross appeal. Sua sponte, the caption is amended, as indicated.

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Joseph Damone, Individually, and as
Trustee of the Joseph A. San Filippo
Generation Skipping Trust,
Plaintiff-Appellant-Respondent,

-against-

M-3265
Index No. 104885/05

Joel Levy,
Defendant-Respondent,

Jerry Rosenband,
Defendant-Respondent-Appellant.

-----X
Joel Levy
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 57113/05

Jerry Rosenband,
Third-Party Defendant-Appellant.

-----X

Defendant-respondent-appellant/third-party defendant-appellant,
Jerry Rosenband, having moved for an order staying all proceedings,
including trial, in the above-entitled action, pending hearing and
determination of the appeal and cross appeal taken from the order of
the Supreme Court, New York County, entered on or about April 16,
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 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 August 4, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Joseph A. Costabile,
Plaintiff-Respondent,

-against-

Damon G. Douglas Company and the
New York Botanical Garden,
Defendants-Appellants,

M-2817
Index No. 570804/07

-and-

City of New York and the Department
of Parks and Recreation,
Defendants.

-----X

Defendants-appellants having moved for a stay of trial herein pending hearing and determination of the appeal taken 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 18, 2008,

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

It is ordered that the motion is granted.

ENTER:


Clerk

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Kelly Thompson,
Plaintiff-Respondent,

-against-

M-2777

Index No. 24380/05

Pibly Residential Programs, Inc.,
Defendant-Appellant,

-and-

Catherine Coleman,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 12, 2009,

And defendant-appellant having moved for a stay of the portion of the aforesaid order which directed that certain records be disclosed to plaintiff, pending hearing and determination of 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 the appeal is perfected on or before October 5, 2009 for the December 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after 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 August 4, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
Essa Realty Corp.,

Plaintiff-Respondent,

-against-

M-2897
Index No. 105885/09

J. Thomas Realty Corp.,

Defendant-Appellant.
-----x

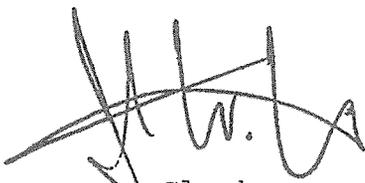
Appeals having been taken to this Court by defendant J. Thomas Realty Corp. from orders of the Supreme Court, New York County, entered on or about May 14, 2009 and June 1, 2009, respectively,

And defendant-appellant having moved for a stay of enforcement of the said orders 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 stay of enforcement is granted on condition that the appeals, which are sua sponte consolidated, be perfected on or before October 5, 2009 for the December 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof. The matter is remanded to Supreme Court for the fixing of an undertaking pursuant to CPLR 6312(b).

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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Lois Katz, et al.,
Petitioners-Respondents,

For an Order Pursuant to Article 75
of the CPLR Staying Arbitration
Before the American Arbitration
Association,

M-2940
Index No. 603061/08

-against-

Charles Alpert, et al.,
Respondents-Appellants.

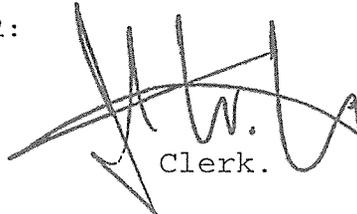
-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 18, 2009,

And respondents-appellants having moved for a stay of arbitration proceedings with respect to the Estate of Abraham Alpert pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before October 5, 2009 for the December 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioners-respondents serve a copy of this order upon appellants within 10 days after the date of entry hereof.

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 in the County of New York on August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Ricky Wong,
Plaintiff-Appellant,

-against-

M-2827
Index No. 307861/08

Kristina Chang,
Defendant-Respondent.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about November 17, 2008 (mot. seq. no. 001) and April 1, 2009 (mot. seq. no. 003),

And plaintiff-appellant having moved for a stay of enforcement of the pendente lite income execution issued by counsel for defendant, 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 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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
V. Barile, Inc.,
Petitioner-Appellant,

-against-

M-2934
Index No. 103859/09

Ricardo Morales, etc., et al.,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for a stay of the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 26, 2009 (mot. seq. no. 001), pending hearing and determination of the appeal taken therefrom,

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 August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
330 Hudson Owner LLC,
Plaintiff-Appellant,

-against-

M-2887
Index No. 600804/09E

The Rector, Church-Wardens and
Vestrymen of Trinity Church in
the City of New York,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved in the nature of a preliminary appellate injunction with respect to the denial of its motion for a "Yellowstone" injunction, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 27, 2009 (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 continuing the relief afforded appellant by order of a Justice of this Court on June 19, 2009 on condition (1) plaintiff-appellant take immediate and continuing steps to effect the "close up" of the building and (2) perfect the appeal on or before October 5, 2009 for the December 2009 Term. Upon failure to so perfect said appeal, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof. Should appellant fail to engage in the aforesaid "close up" activity respondent may move on notice to vacate the stay.

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2909
Ind. No. 2230/99

Jose Alfaro,
Defendant-Appellant.

-----X

Appeals having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 29, 2000 and from the judgment of resentence of said Court, rendered on or about April 2, 2008,

And counsel for defendant-appellant having moved for an order directing the Clerk of Supreme Court, New York County, to promptly have transcribed the minutes of the trial and sentence proceedings with respect to the appeal taken from the judgment rendered on or about February 29, 2000, and to provide a copy of said proceedings to defendant's counsel,

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

Ordered that the motion is granted to the extent of directing the Clerk of the Supreme Court, New York County, to have transcribed the minutes of the aforesaid trial and sentence proceedings held therein, from the judgment rendered on or about February 29, 2000, for inclusion in the record on appeal, within 30 days from the date of service upon the Clerk of a copy of this order, which counsel is directed to serve upon the Clerk and the individual court reporter(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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2946
Ind. No. 4625/06

Bruce Sweeper,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 4, 2008, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before October 8, 2009 for the December 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-3019
Ind. No. 2794/07

Paul Alexander,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 2008, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before October 5, 2009 for the December 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
1380 Ya Realty, LLC,
Petitioner-Landlord-Respondent,

-against-

M-2977
Index No. 570723/08

Georgia Harris,
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 May 6, 2009, and for leave to prosecute said proceeding as a poor person, 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.

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Peter E. Sass,
Plaintiff-Respondent,

-against-

M-3057
Index No. 311895/07

Sophia Sass,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of divorce of the Supreme Court, New York County, entered on or about July 25, 2008,

And plaintiff-respondent having moved for, inter alia, an order striking defendant's record on appeal and dismissing the aforesaid appeal, or enlarging plaintiff's time in which to file a respondent's brief and supplemental record on appeal, or for alternative relief, and costs and fees,

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 respondent serving and filing a supplemental record consisting of Exhibits A through D inclusive to plaintiff's moving papers.

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X

Cook & Associates Realty, Inc.,

Plaintiff-Appellant,

-against-

M-3148

Index No. 603642/04

Christopher Chestnutt, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 5, 2008,

And plaintiff-appellant having moved for leave to supplement the record on appeal with certain post-trial memoranda submitted as Exhibits 2 and 3 to the moving papers,

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 plaintiff-appellant is directed to file 10 copies of a supplemental record on appeal consisting of the aforesaid exhibits with this Court on or before August 21, 2009.

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In Re: New York Lipitor Products Administrative
Liability Litigation Index No. 76700/07
-----X

Beverly Ann Avery,
Plaintiff-Appellant,

-against- Index No. 115492/07

Pfizer, Inc.,
Defendant-Respondent.
-----X M-3091

Mary Irene Bain,
Plaintiff-Appellant,

-against- Index No. 112530/06

Pfizer, Inc.,
Defendant-Respondent.
-----X

Bruce M. Bryant,
Plaintiff-Appellant,

-against- Index No. 115493/07

Pfizer, Inc.,
Defendant-Respondent.
-----X

Michael G. Christiani,
Plaintiff-Appellant,

-against- Index No. 109837/06

Pfizer, Inc.,
Defendant-Respondent.
-----X

-----X

Linda BC Davis,
Plaintiff-Appellant,

-against-

Index No. 112531/06

Pfizer, Inc.,
Defendant-Respondent.

-----X

Joel C. Faulk,
Plaintiff-Appellant,

-against-

Index No. 114267/06

Pfizer, Inc.,
Defendant-Respondent.

-----X

Dominick A. Genovese,
Plaintiff-Appellant,

-against-

Index No. 109840/06

Pfizer, Inc.,
Defendant-Respondent.

-----X

Judith Anne Gentry,
Plaintiff-Appellant,

-against-

Index No. 115491/07

Pfizer, Inc.,
Defendant-Respondent.

-----X

Larry Mack Gibbs, D.M.D., M.D.,
Plaintiff-Appellant,

-against-

Index No. 105337/08

Pfizer, Inc.,
Defendant-Respondent.

-----X

-----X
Vincent M. Janczy,
Plaintiff-Appellant,

-against-

Index No. 112536/06

Pfizer, Inc.,
Defendant-Respondent.

-----X
Phyllis J. Kratz,
Plaintiff-Appellant,

-against-

Index No. 112532/06

Pfizer, Inc.,
Defendant-Respondent.

-----X
Hugo W. Krave III, also known as
Tripp Krave,
Plaintiff-Appellant,

-against-

Index No. 109846/06

Pfizer, Inc.,
Defendant-Respondent.

-----X
Margaret E. Rodriguez, as Executrix
of the Estate of Jose G. Rodriguez,
deceased, and as Personal
Representative of Jose G. Rodriguez,
Plaintiff-Appellant,

-against-

Index No. 112534/06

Pfizer, Inc.,
Defendant-Respondent.

-----X

-----X
 Gerald M. Ward,
 Plaintiff-Appellant,

-against-

Index No. 109852/06

Pfizer, Inc.,
 Defendant-Respondent.

-----X
 Darren R. West,
 Plaintiff-Appellant,

-against-

Index No. 112533/06

Pfizer, Inc.,
 Defendant-Respondent.

-----X
 Linda D. Westbrook, also known as
 Lindy Westbrook,
 Plaintiff-Appellant,

-against-

Index No. 109851/06

Pfizer, Inc.,
 Defendant-Respondent.

-----X
 Charles M. Wilson,
 Plaintiff-Appellant,

-against-

Index No. 107932/06

Pfizer, Inc.,
 Defendant-Respondent.

-----X

Appeals having been taken by non-residents plaintiffs
 in the above captioned actions from orders/judgments of Supreme
 Court, inter alia, similarly dismissing those actions,

And Margaret E. Rodriguez, having moved for an order amending the caption in one of the above-titled actions (Index No. 112534/06) to identify her as "Margaret E. Rodriguez, Executrix of the Estate of Jose G. Rodriguez, deceased, and as Personal Representative of Jose G. Rodriguez", to proceed as plaintiff-appellant on her husband's behalf, 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 and the caption is amended as indicated.

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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Able Energy, Inc., a Delaware
Corporation and Gregory D. Frost,
Plaintiffs-Respondents-Appellants,

-against-

M-3123
Index No. 603224/07

Marcum & Kliegman LLP, etc., et al.,
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 13, 2008 (mot. seq. no. 001),

And Dana M. Sussman, Esq., of Kane Kessler, P.C., having moved for an order relieving said firm as counsel for plaintiffs-respondents-appellants, placing a charging lien on the file and staying all proceedings for 30 days following this Court's decision on the motion,

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

Ordered that the motion, to the extent it seeks an order relieving counsel, is granted. The motion is otherwise denied without prejudice to further proceedings in Supreme Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT - Hon. David Friedman, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Centennial Insurance Company,
Plaintiff-Respondent,

-against-

M-2339
Index No. 603784/06

Apple Builders & Renovators, Inc.,
Defendant-Appellant,

Jagganathan Kuttambakkam, et al.,
Defendants.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 17, 2009 (Appeal No. 86),

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

It is ordered that the motion is denied.

ENTER:



Clerk.

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-514
Ind. No. 1507/94

-against-

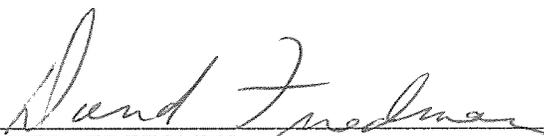
CERTIFICATE
DENYING LEAVE

Winston Gajadhar
Defendant.

-----X

I, DAVID FRIEDMAN, 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, section 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 11, 2008, is hereby denied.

Dated: New York, New York
July 15, 2009



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

AUG 04 2009

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-1058
Ind. No. 1339/86

-against-

CERTIFICATE
DENYING LEAVE

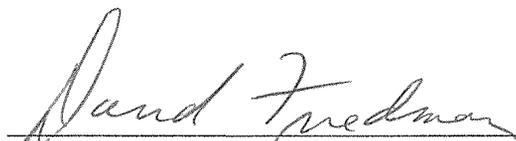
Ricardo Padro a/k/a Frank Padro,
Defendant,
-----X

I, DAVID FRIEDMAN, 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, section 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, entered on or about December 18, 2008, is hereby denied. Defendant's concurrent motion for an extension of time to make the aforesaid application for a certificate granting leave to appeal is hereby granted.

Dated: New York, New York
July 15, 2009

ENTERED

AUG 04 2009



DAVID FRIEDMAN
Justice of the Appellate Division

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

BEFORE: Leland G. DeGrasse
Justice of the Appellate Division

-----X
In the Matter of

Lamya B., and
Faith B.,

Children Under Eighteen Years of
Age Alleged to be Neglected Pursuant to
Article 10 of the Family Court Act.

Administration for Children's Services,
Petitioner-Respondent,

M-3043
Docket Nos. N17024/09
N17025/09

Juliet P.,
Respondent,

Lamont B.,
Respondent-Appellant.

Karen Freedman, Esq., Lawyers for
Children, Inc.,
Law Guardian for the Children.

-----X

Respondent-appellant father having moved for a stay of the
order of the Family Court, New York County, entered on or about
June 25, 2009, pending hearing and determination of the appeal
taken therefrom,

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.



Dated: New York, New York

Leland G. DeGrasse
Associate Justice

Entered: **AUG - 4 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 August 4, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
HLP Properties, LLC, et al.,
Petitioners-Respondents,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3386
Index No. 115969/07

New York State Department of
Environmental Conservation,
Respondent-Appellant.

-----X
Respondent-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 24, 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 appellant's time in which to perfect the appeal to on or before September 8, 2009 for the November 2009 Term. Respondent's brief is to be served and filed on or before October 7, 2009 and appellant's reply brief is to be served and filed on or before October 16, 2009 for said November 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 August 4, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
Roni LLC, et al.,

Plaintiffs-Respondents,

-against-

M-3336
Index No. 601224/07

Rachel L. Arfa, et al.,

Defendants-Appellants.
-----x

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of Supreme Court, New York County, entered on or about April 17, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of
Krista Martino,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

Southbridge Towers, Inc. and
New York State Division of
Housing and Community Renewal,
Respondents-Respondents.

M-3413
Index No. 402711/07

-----X
An order of this Court having been entered on June 18, 2009 (M-2436) inter alia enlarging appellants' 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 14, 2008 (mot. seq. no, 001) to on or before September 8, 2009 for the November 2009 Term,

And petitioner-appellant having moved for leave to prosecute, as a poor person, the aforesaid appeal 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 said motion, and due deliberation having been had thereon,

It is ordered that said 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 serve one copy of such brief upon the attorney for respondent and file ten copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Honique Accessories, Ltd.,
Plaintiff-Respondent-Appellant,

-against-

M-3411
Index No. 603155/05

S.J. Stile Associates, Ltd.,
Defendant-Appellant-Respondent,

-and-

Milton Heid,
Defendant-Respondent,

Norman Ellowitz and Honey Fashions, Inc.,
additional Defendants on the
Counterclaims.

-----X
Appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 19, 2009,

And plaintiff-respondent-appellant Honique Accessories, Ltd. and defendant-appellant-respondent S.J. Stile Associates, Ltd. having jointly moved for a stay of proceedings, including trial pending hearing and determination of the aforesaid appeal and cross appeal,

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

Ordered that the motion is granted.

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 August 4, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Efraim Shurka,
Plaintiff-Appellant,

-against-

M-3257
Index No. 304584/08

Jane Shurka,
Defendant-Respondent.
-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 10, 2008 (mot. seq. no. 001), February 3, 2009 (mot. seq. no. 003) and April 15, 2009 (mot. seq. no. 004),

And an order of this Court having been entered on June 23, 2009 (M-1996/M-2244/M-2413), inter alia, enlarging to the October 2009 Term appellant's time in which to perfect the appeal from the order of said Court entered on or about September 10, 2008,

And plaintiff-appellant having moved for a further enlargement of time in which to perfect the appeal from the order entered on or about September 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 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 August 4, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-3116
Ind. No. 562/05

James Overton,

Defendant-Appellant.
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 26, 2007, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

Corrected Order - September 25, 2009

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 4, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Arbitration
between the
United Federation of Teachers,
Petitioner-Respondent,

For an Order and Judgment Pursuant
to CPLR Article 75 to Confirm an
Arbitration Award

-against-

M-3074
M-3274
Index No. 114427/07

Board of Education of the City
School District of the City of
New York,
Respondent-Appellant.

-----X

Respondent-appellant Board of Education of the City School District of the City of New York 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 September 30, 2008 [mot. seq. no. 001] (M-3074),

And petitioner-respondent United Federation of Teachers having cross-moved for an order dismissing the aforesaid appeal (M-3274),

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 on or before **October 5, 2009** for the December 2009 Term. The cross 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 August 4, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
The Chief Judge of the State of New York
and The New York State Unified Court
System,
Plaintiffs-Respondents,

-against-

M-3342
Index No. 400763/08

The Governor of The State of New York,
Defendant,

The Speaker of The New York State
Assembly, The New York State Assembly
and The State of New York,
Defendants-Appellants,

The Temporary President of The New York
State Senate and The New York State
Senate,
Defendants-Appellants.

-----X

Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about June 16, 2009,

And plaintiffs-respondents having moved for a preference in the hearing of these appeals pursuant to CPLR 5521, 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 directing that the appeals be perfected upon the original record, according to the following preferential briefing schedule with all briefs to be served by hand: (1) appellants' brief(s) to be served and filed on or before August 17, 2009; (2) respondents' brief to be served and filed on or before August 28, 2009; (3) reply brief(s), if any, to be served and filed on or before September 3, 2009. Appellants are directed to subpoena the original record to this Court forthwith, and the motion is otherwise denied.

ENTER:



Clerk.