

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 18, 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  
ex rel. Stanley Moore,

Petitioner-Appellant,

M-3371  
Index No. 52029/06

-against-

Warden,

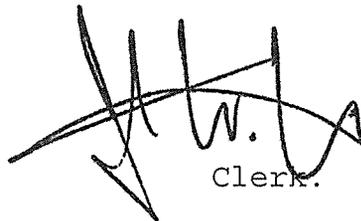
Respondent-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 2, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated July 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 18, 2009.

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

-----X  
Comverse Technology, Inc.,  
Plaintiff-Respondent,

-against-

M-3414X  
Index No. 600142/08

Jacob ("Kobi") Alexander,  
Defendant,

William Sorin,  
Defendant-Appellant.

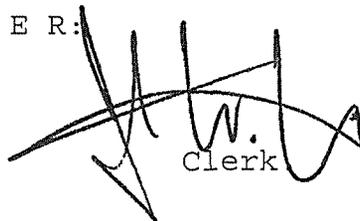
-----X

An appeal having been taken by defendant-appellant William Sorin from the order of the Supreme Court, New York County, entered on or about November 3, 2008 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 22, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

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

-----X  
Rhoda Gilbert,  
Plaintiff-Appellant,

-against-

M-3442X  
Index No. 33300/74

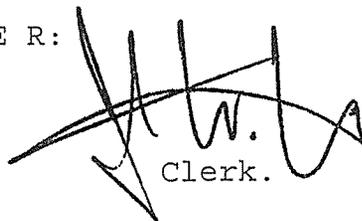
Edward M. Gilbert,  
Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 13, 2009 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2009, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

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

-----X

Ruben Ramos,  
Plaintiff-Respondent,

-against-

M-3443X  
Index No. 8425/07

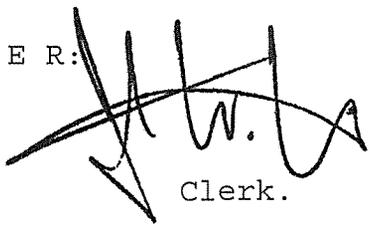
Rich Express Trucking, Inc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 18, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2009, and due deliberation having been had thereon,

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

E N T E R:   
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

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

-----X  
Hector Pichardo,  
Plaintiff-Respondent,

-against-

M-3444X  
Index No. 24689/06

Julio Vasquez and Washimo Car Service,  
Inc.,  
Defendants-Appellants,

Jerry R. Marmolejos, et al.,  
Defendants.

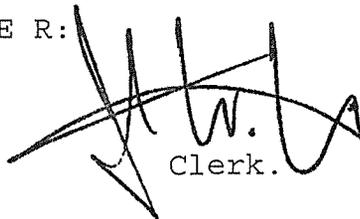
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 18, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2009, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

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

-----X  
Venus Castro,  
Plaintiff-Respondent,

-against-

M-3445X  
Index No. 17491/06

Kenneth Booker, et al.,  
Defendants,

Rogelio Quinones and Arpa Trans Inc.,  
Defendants-Appellants.

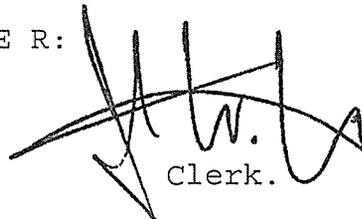
-----X  
[And a third-party action]  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 19, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2009, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 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-3447

Ind. No. 815/00

Kervin Sanchez,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 31, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated July 22, 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 18, 2009.

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

-----X  
Concord Capital Funding, LLC,  
Plaintiff-Appellant,

Concord Capital Funding, Inc.,  
Plaintiff-Appellant,

M-3387  
Index No. 603764/08

-against-

HSH Nordbank AG, et al.,  
Defendants-Respondents.

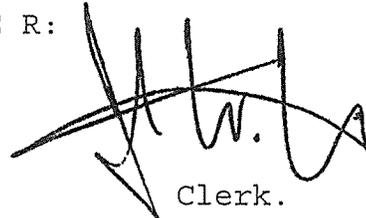
-----X

Plaintiffs having taken separate appeals from the orders of the Supreme Court, New York County, both entered on or about April 28, 2009 (mot. seq. nos. 001 and 002) and from the judgment of said Court entered on or about May 15, 2009, respectively,

Now, upon reading and filing the stipulation of the parties hereto, filed July 20, 2009, and due deliberation having been had thereon, it is

Ordered that the appeals, previously perfected for the September 2009 Term, 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 18, 2009.

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

-----X  
Robert Suarez, Individually and  
as Administrator of the Estate of  
Maritza Suarez, deceased, Lisa Suarez,  
an infant by her father and natural  
guardian, Robert Suarez, Robert  
Suarez, individually, Julianne  
Suarez and Henry Delgado,  
Plaintiffs-Respondents,

M-3403  
Index No. 18188/07

-against-

A-1 Transitmix, Inc. and Francisco  
Vargas,  
Defendants-Appellants.

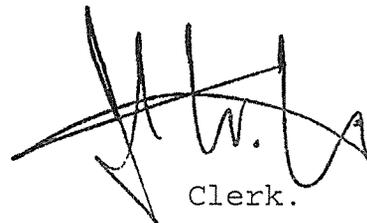
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 26, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed July 22, 2009, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

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

-----X  
R.K. Newsstand Co., Inc.,  
Plaintiff-Appellant,

-against-

M-3406  
Index No. 104645/08

1170 Broadway Associates, LLC,  
et al.,  
Defendants-Respondents.

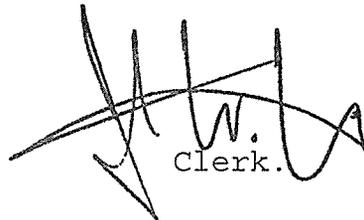
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 15, 2009 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed July 17, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2009 Term, is withdrawn in accordance with the aforesaid stipulation. (See M-2680, decided simultaneously herewith.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

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

-----X  
R.K. Newsstand Co., Inc.,  
Plaintiff-Appellant,

-against-

M-2680  
Index No. 104645/08

1170 Broadway Associates, LLC,  
et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 15, 2009 (mot. seq. no. 001),

And plaintiff-appellant having moved to stay trial and for other relief, pending the hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, filed July 17, 2009, and due deliberation having been had thereon,

It is ordered that the motion for a stay is withdrawn, the aforesaid appeal having been withdrawn by order of this Court (M-3406), decided simultaneously herewith.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

PRESENT - Hon: Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Donald J. Trump, etc., et al.,  
Plaintiffs-Appellants,

-against-

Henry Cheng, et al.,  
Defendants-Respondents,

M-3067  
Index No. 602877/05

John Doe I, et al.,  
Defendants.

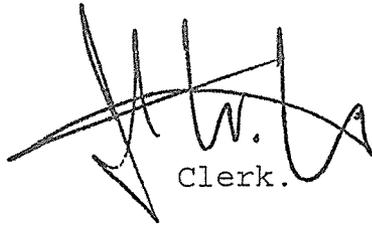
-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on June 30, 2009 (Appeal Nos. 935, 935A, 935B, 935C, 936, 936A and 936B),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Jay Goldberg, Esq., dated July 15, 2009, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn in accordance with the aforesaid correspondence.

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 18, 2009.

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

-----X  
Continental Casualty Company, American  
Casualty Company of Reading, PA,  
Plaintiffs-Appellants-Respondents,

-against-

Employers Insurance Company of Wausau,  
Defendant-Respondent,

-and-

One Beacon America Insurance Company;  
Defendant-Respondent-Appellant,

M-3439  
Index No. 601037/03

Michael O'Reilly, the parties listed on  
attached Schedule A, being those parties  
whose asbestos cases are currently set  
for trial against Robert A. Keasbey  
Company in 2003;  
Defendants-Respondents,

Robert A. Keasbey Company, a corporation  
dissolved in 2001, and a defendant class  
of claimants against Keasbey represented  
by the Individual Defendants,  
Defendants.

-----X

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

And cross-appellant having moved for an adjournment of  
the appeal and cross appeal,

Now, upon reading and filing the papers with respect to the motion and the correspondence from cross appellant's counsel, dated July 31, 2009, and due deliberation having been had thereon,

It is ordered that the motion is 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 18, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
John T. Buckley  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Allen Proctor,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-3015  
Index No.401364/08

-against-

District Attorney, New York County,  
Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 23, 2009,

And an order of this Court having been entered on May 28, 2009 (M-1958), denying petitioner poor person relief,

And petitioner-appellant having moved to renew and reargue his motion for the aforesaid relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks the assignment of counsel is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 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-3315  
Ind. No. 1891/08

Jaime Busanet,  
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 May 27, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

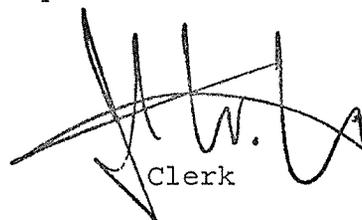
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

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 18, 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-3316  
Ind. No. 4596/06

Lee Carr,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

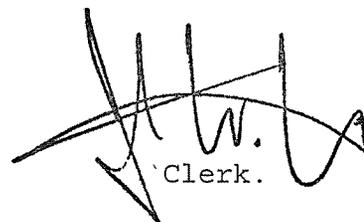
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

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 18, 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-3317  
Ind. No. 4809/08

James Charleston,  
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 June 23, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

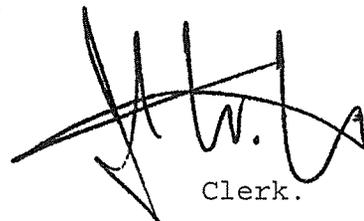
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, 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.

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 18, 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-3319  
Ind. No. 5194/08

Lamont Cooley, also known as Lamont D.  
Cooley,  
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 June 18, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

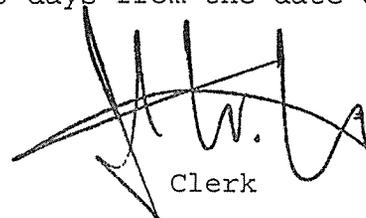
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

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 18, 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-3320  
Ind. No. 5027/08

Joseph Harris,  
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 July 7, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

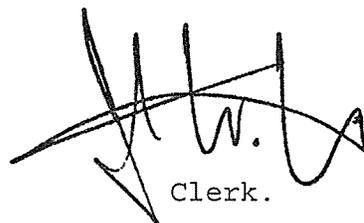
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

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 18, 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-3322  
Ind. Nos. 4842/08  
4843/08

David Lee,  
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 June 11, 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, 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.

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 18, 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-3323  
Ind. No. 350/07

Ernest Nelson,  
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 June 3, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

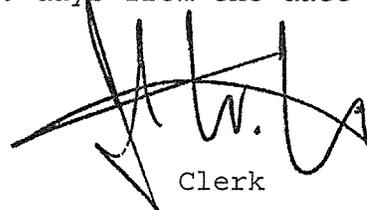
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

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 18, 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-3325  
Ind. Nos. 2220/08  
5567/05

Anthony Plessner, also known as  
Tommy Soto,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 8, 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 **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.

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.

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 18, 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-3326  
Ind. No. 4267/06

Thomas Quiñones,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 1, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

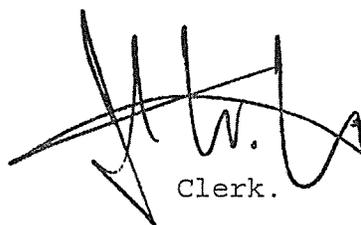
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

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 18, 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-3327  
Ind. No. 865/09

Francis Rivera,  
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 July 1, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

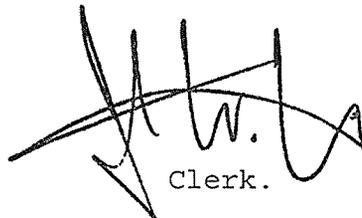
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, 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.

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 18, 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-3328  
Ind. No. 1277/07

Richard Rivera,  
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 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

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 18, 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-3329  
Ind. No. 4038/08

Maximo Romero,  
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 June 25, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

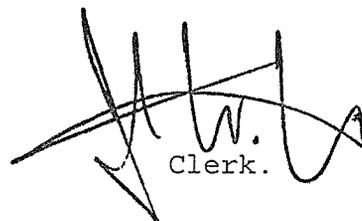
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, 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.

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 18, 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-3330  
Ind. No. 1402/08

Freddie Wilson,  
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 June 12, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

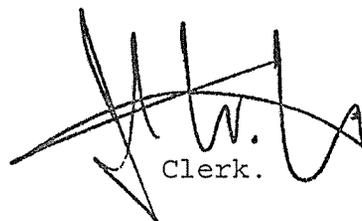
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, 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.

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 18, 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-3333  
Ind. No. 989/08

Derek Moore,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 5, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

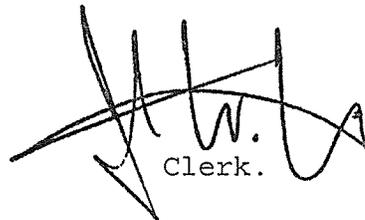
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of any **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.

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 18, 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-3337  
Ind. No. 644/07

Jose Pabellon, also known as Jose A.  
Pabellon, also known as José A.  
Pabellón,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 1, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

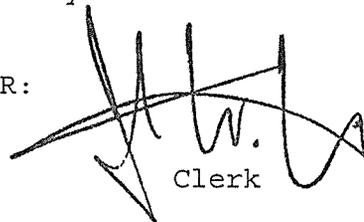
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

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 18, 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-3331  
Ind. No. 6901/06

David Sanchez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 22, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

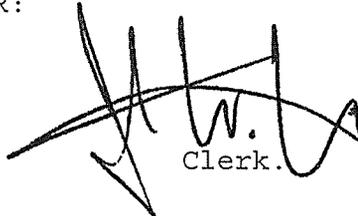
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

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 18, 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-3334  
Ind. No. 3799/03

Delroy Joe, also known as  
Joe Delroy,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Berkman, J.) entered on or about July 9, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

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 18, 2009.

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

-----X  
David Hooper,

Plaintiff-Appellant,

-against-

M-2687  
Index No. 100262/06

New York Real Estate Institute, Inc.,

Defendant-Respondent.  
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 7, 2008 (mot. seq. no. 003),

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Barbara Stewart, etc.,  
Plaintiff-Respondent,

-against-

M-727  
Index No. 603709/04

Guy E.C. Maitland, et al.,  
Defendants-Appellants,

Dunoon, LLC, et al.,  
Defendants.

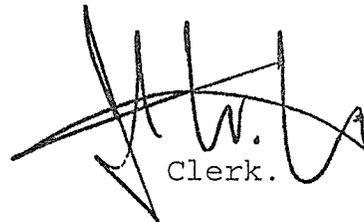
-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 8, 2009 (Appeal No. 4997),

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

It is ordered that the motion is denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
Basu Sarkar & Sujit R. Kumar,  
Plaintiffs-Respondents,

-against-

M-3272  
M-3496  
Index No. 109880/07

Mridul Kumar Pathak,  
Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 22, 2009,

And defendant-appellant having moved for a stay of enforcement of so much of the said order which upon a determination that defendant-appellant's counsel had engaged in frivolous conduct pursuant to 22 NYCRR 130-1.1(a) assessed sanctions therefor (M-3272),

And plaintiffs-respondents having cross-moved in opposition to defendant-appellant's motion, and for the award of attorney's fees and costs with respect to appellant's application(M-3496),

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 on condition the appeal is perfected by on or before September 8, 2009 for the November 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof. 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 18, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-3596  
Index No. 117524/06

Alex Stelmak, An Individual,  
Defendant-Appellant-Respondent,

Stan Mashov, An Individual,  
Defendant-Respondent,

Simone V. Palazzolo, Esq., An  
Individual, and Advanced  
Technologies Group, Ltd.,  
Defendants.

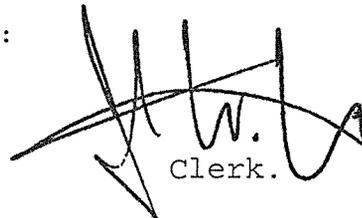
-----X

Plaintiff-respondent-appellant and defendant-appellant-respondent having jointly moved for an enlargement of time in which to perfect the appeal and cross appeal from the order of the Supreme Court, New York County, entered on or about December 5, 2007 (mot. seq. no. 008),

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 and cross appeal to 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 18, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Ventur Group, LLC,

Plaintiff-Respondent,

-against-

M-3251  
Index No. 604394/06

Diane Finnerty, et al.,

Defendants-Appellants.  
-----X

Defendants-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 February 24, 2009 (mot. seq. no 003),

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. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that respondent serves a copy of this order upon appellants 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 in the County of New York on August 18, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Maria Teresa Bacani, Individually,  
and as Administrator of the Estate  
of Jonathan Bacani, Deceased, and  
Abraham Bacani,  
Plaintiffs-Respondents,

-against-

M-3355  
Index No. 118041/05

Lisa Rosenberg, M.D.,  
Defendant-Respondent,

Deepak Nanda, M.D.,  
Defendant-Appellant,

-and-

Arthur Fougner, M.D., et al.,  
Defendants.

-----X

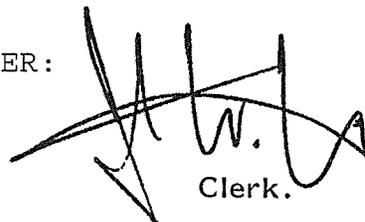
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 1, 2009,

And defendant-appellant having moved for a stay of all proceedings, including trial, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Panasia Estates, Inc.,

Plaintiff-Appellant-Respondent,

-against-

M-3471  
Index No. 602472/05

Hudson Insurance Company and UTC Risk  
Management Services, Inc.,

Defendants-Respondents-Appellants.  
-----X

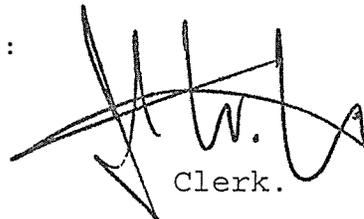
An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 6, 2009,

And United Policyholders, Inc., by its attorneys Anderson Kill & Olick, P.C., (Eugene R. Anderson and John G. Nevius, of counsel) having moved for leave to file a brief amicus curiae in connection with 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 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 18, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
JFK Holding Company LLC and J.F.K.  
Acquisition Group,  
Plaintiffs-Respondents,

-against-

M-3172  
Index No. 110582/08

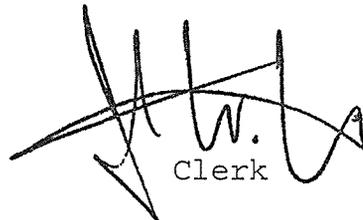
City of New York and Department of  
Homeless Services,  
Defendants-Appellants.  
-----X

Defendants-appellants having moved for a stay of discovery pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about May 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 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 18, 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-3028  
Ind. No. 6055/07

Domingo Quiroz-Santos,  
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, New York County, rendered on or about December 3, 2008, 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,

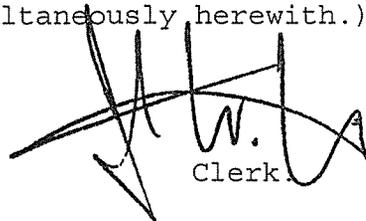
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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.

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. (See M-3028A, decided simultaneously herewith.)

ENTER:

  
Clerk.

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

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

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

Respondent,

STAY OF EXECUTION  
OF JUDGMENT DENIED

-against-

M-3028A

Domingo Quiroz-Santos,

Ind. No. 6055/07

Defendant-Appellant.  
-----X

Defendant-appellant having moved, pursuant to CPL 460.15, for a stay of execution of the judgment of the Supreme Court, New York County, rendered on or about December 3, 2008, 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. (See M-3028, decided simultaneously herewith.)

Dated: New York, New York

**AUG 13 2009**

  
\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Associate Justice

Entered:

**AUG 18 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 18, 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-3093  
Ind. No. 244/08

July Carraco,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 22, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

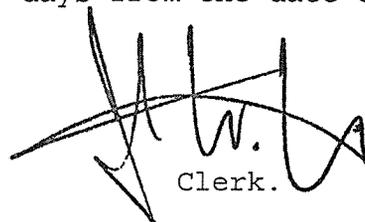
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 any proceedings pursuant to CPL § 210.20, Arts. 710 and 730, and of the plea or trial and sentence.

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.

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 18, 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-3131  
Ind. No. 1000/08

Julio Perez, also known as Perez Julio,  
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 October 30, 2008, 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 notice of appeal timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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 18, 2009.

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

-----X  
Felicia Pickett Johnson and Ikea  
Johnson,  
Plaintiffs-Appellants,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-2844  
Index No. 251305/08

-against-

New York City Board of Education,  
et al.,  
Defendants-Respondents.

-----X  
Plaintiffs-appellants having moved for leave to prosecute, as poor persons, the appeal from the orders of the Supreme Court, Bronx County, entered on or about February 5, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellants' 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 both plaintiffs submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that they have no funds or assets with which to prosecute their appeals and a statement of facts so as to ascertain the merit of 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 18, 2009.

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

-----X  
Michael Driscoll,

Claimant-Appellant,

-against-

The State of New York,

Defendant-Respondent.  
-----X

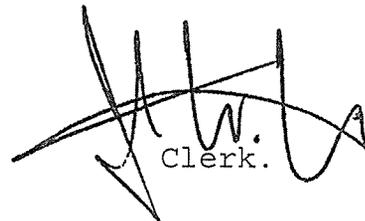
Court of Claims  
M-3230  
Claim No. 115969

Claimant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Court of Claims of the State of New York, entered on or about June 1, 2009 (Court of Claims Motion No. M-76366), for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 18, 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-3044  
Ind. No. 3581/06

Paul Ziegler,  
Defendant-Appellant.

-----X

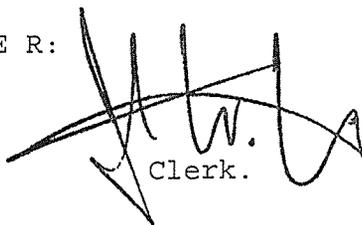
An order of this Court having been entered on September 23, 2008 (M-3945) granting respondent leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or July 12, 2007, and assigning Robert S. Dean, Esq., as counsel for purposes of prosecuting the appeal,

And defendant-appellant, through assigned counsel, having moved for a reconstruction hearing with respect to proceedings held on June 26, 2007, 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 remanding the matter to the Supreme Court, New York County, for a reconstruction hearing of the proceedings held on June 26, 2007 with respect to jury notes and exhibits as expeditiously as possible (see Exhibits B through G to moving papers). Appellant's counsel is directed to serve a copy of this order upon the Clerk of the Supreme Court, New York County, within 10 days from the date of entry hereof, and the Clerk is directed to have the minutes transcribed and delivered to appellant's counsel for inclusion in the record within 30 days of the conclusion of said reconstruction hearing. Sua sponte, appellant's time in which to perfect the appeal is enlarged to the January 2010 Term, with leave to seek a further enlargement if necessary.

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 18, 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-3186  
Ind. No. 6425/05

Anthony Griffin, also known as  
Fruquan Griffin,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, entered on or about October 19, 2006, 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 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.

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 18, 2009.

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

-----X  
Madeline D'Anthony Enterprises, Inc.,

Plaintiff-Respondent,

-against-

M-2521  
Index No. 101819/09

Kimberly Burns, et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 15, 2009 (mot. seq. no. 002),

And defendants-appellants having moved for a stay of enforcement of the order pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

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 18, 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

Alessandro Spano,  
Petitioner,

M-2973  
Index No. 106547/08

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

New York State Racing and Wagering  
Board,  
Respondent.

-----X

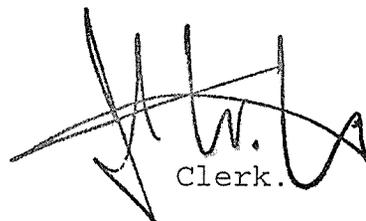
An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 2, 2009 (mot. seq. no. 001),

And petitioner having moved for a stay of the suspension of petitioner's harness racing license, pending hearing and determination of the aforesaid proceeding,

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

It is ordered that the motion is granted on condition that the proceeding is perfected for the February 2010 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 petitioner 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 18, 2009.

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

-----X  
Joyce Henderson,  
Plaintiff-Respondent,

-against-

M-3056  
Index No. 15851/06

MABSTOA, et al.,  
Defendants-Appellants,

-and-

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

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 6, 2009,

And defendants-appellants having moved for a stay of trial 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 for the December 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves 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 the County of New York on August 18, 2009.

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

-----X  
Janulyn McKanic,  
Plaintiff-Appellant,

-against-

M-3109  
Index No. 602360/05

Amigos Del Museo Del Barrio,  
Defendant-Respondent.  
-----X

Plaintiff-appellant 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 October 7, 2008 (mot. seq. no. 004),

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.

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 18, 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 Argonaut Insurance  
Company,  
Petitioner-Appellant,

-against-

Ceradyne, Inc.,  
Respondent-Respondent.  
-----X

M-3122  
Index No. 604218/07

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 9, 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 the December 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 18, 2009.

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

-----X  
Leon Sloane, et al.,  
Plaintiffs-Appellants,

-against-

M-3177  
Index No. 116102/06

Edward Gross,  
Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 3, 2009 (mot. seq. no. 003),

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.

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 18, 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  
  
Residential Management, Inc.,  
Petitioner-Respondent,  
  
For a Judgment, etc.,

-against-

M-3234  
Index No. 107306/05

New York State Division of Housing  
and Community Renewal,  
Respondent-Appellant,  
  
Graham Court Tenants' Association,  
Respondent-Intervenor.

-----X

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

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 18, 2009.

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

-----X

Barbara Lerner,

Claimant-Appellant,

M-3273

-against-

Court of Claims

Motion Nos. M-74577

The State of New York,

M-74578

Defendant-Respondent.

-----X

Claimant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Court of Claims of the State of New York entered on or about November 30, 2007 (Court of Claims Motion Nos. M-74577 and M-74578),

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.

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 18, 2009.

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

-----X  
Hudson Insurance Company, et al.,  
Plaintiffs-Appellants,

-against-

M-3424  
Index No. 604411/05

M.J. Oppenheim in his quality as  
Attorney in Fact in Canada, for  
Lloyd's Underwriters, Members of  
Lloyd's, London, England,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about June 27, 2008 (mot. seq. no. 007),

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal to the December 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 18, 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

Metropolitan New York Synod of the  
Evangelical Lutheran Church in  
America, etc.,  
Petitioners-Respondents,

-against-

M-3090  
Index No: 118731/06

St. John's Evangelical Lutheran  
Church, et al., etc.,  
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the consolidated appeals taken from the order of the Supreme Court, New York County, entered on or about April 11, 2008 (mot. seq. no. 002) and from the order and judgment (one paper) of said Court, entered on or about July 17, 2008,

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

It is further 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, 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 18, 2009.

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

-----X  
Cornealius Campbell,  
Plaintiff-Respondent,

-against-

M-3106  
Index No. 303309/04

Anita Brown-Campbell,  
Defendant-Appellant.

-----X

An order of this Court having been entered on February 17, 2009 (M-286), inter alia, granting defendant-appellant civil poor person relief with respect to the appeal from the judgment of divorce of the Supreme Court, New York County, entered on or about March 20, 2008,

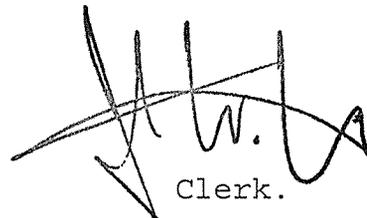
And an order of this Court having been entered on April 14, 2009 (M-1404), granting appellant an enlargement of time in which to perfect the appeal to the September 2009 Term,

And defendant-appellant having moved for a further enlargement of time in which to perfect the appeal, 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 enlarging the time in which to perfect the appeal to on or before October 5, 2009 for the December 2009 Term, without prejudice to appellant seeking appointment of a guardian ad litem in Supreme Court.

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 18, 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

Rudranau Toolasprashad,  
Petitioner-Respondent,

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

M-3108  
Index No. 109964/06

-against-

Raymond W. Kelly, etc., et al.,  
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 13, 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, with leave to seek a further enlargement if necessary.

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 18, 2009.

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

-----X  
Malcolm Ferguson, Deceased, by  
Juanita Young, as Administratrix  
of the Estate of Malcolm  
Ferguson, and Juanita Young,  
Individually,  
Plaintiffs-Appellants-Respondents,

M-3180  
Index No. 18951/01

-against-

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

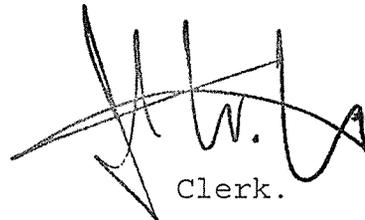
An appeal and cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about July 15, 2008,

And plaintiffs-appellants-respondents having moved for an enlargement of time in which to perfect the direct appeal,

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

Ordered that the motion is granted to the extent of enlarging to the December 2009 Term the time of plaintiffs to perfect the direct appeal, with no further enlargements to be granted. Should plaintiffs fail to so perfect defendants are directed to perfect the cross appeal as direct appellants for the next available Term of Court. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

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 18, 2009.

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

-----X  
Mushlam, Inc.,  
Plaintiff-Landlord-Respondent,

-against-

M-3239  
Index No. 100207/08

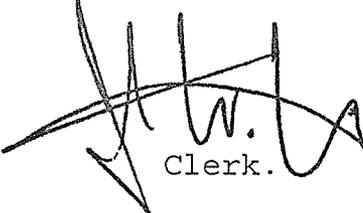
Marie Nazor and Peter Mickle,  
544 West 27<sup>th</sup> Street  
Entire 4<sup>th</sup> Floor  
New York, New York 10001,  
Defendants-Undertenants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeals taken by the amended notice of appeal dated June 3, 2008 from the order of Supreme Court, New York County, entered April 7, 2008 (mot. seq. no. 002), and by the notice of appeal dated June 4, 2008 from the order of said Court entered on June 3, 2008 (mot. seq. no. 003),

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 appeals, which are sua sponte consolidated, to the December 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 18, 2009.

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

-----X  
Ivalisse Bustamante, etc., et al.,  
Plaintiffs-Appellants,

-against-

M-3392  
Index No. 13908/99

Green Door Realty Corp., et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeals taken from the orders of the Supreme Court, Bronx County, entered on or about August 15, 2008 and April 8, 2009, respectively,

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

Sua sponte, the appeals are consolidated and appellants are permitted to prosecute the appeals upon 10 copies of one record and one set of appellants' points covering the appeals.

It is further ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before October 5, 2009 for the December 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 18, 2009.

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

-----X  
Linmar Construction Corp.,  
Plaintiff-Appellant,

-against-

M-3092  
Index No. 603154/03

Albert Palancia Agency, Inc.,  
Defendant-Respondent.

-----X  
Albert Palancia Agency, Inc.,  
Third-Party Plaintiff-Appellant,

-against-

JJ Farber Lottman Co., Inc.,  
Third-Party Defendant-Respondent.

-----  
(And a fourth-party action)  
-----X

An appeal having been taken by plaintiff Linmar Construction Corp. from the order of the Supreme Court, New York County, entered on or about September 27, 2007 (mot. seq. no. 004),

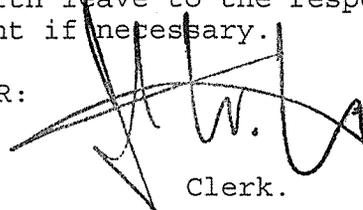
And an appeal (denominated a cross appeal) having been taken by defendant/third-party plaintiff, Albert Palancia Agency, Inc., from so much of the aforesaid order of the Supreme Court, which dismissed the third-party and fourth-party complaints,

And plaintiff-appellant, Linar Construction Corp., having moved for an enlargement of time in which to perfect its appeal,

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

It is ordered that the motion is granted to the extent of enlarging plaintiff-appellant Linmar's time in which to perfect its appeal to the January 2010 Term, with leave to the respective appellants to seek a further enlargement if necessary.

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 18, 2009.

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

-----X  
403 East 76 St. Corp.,  
Plaintiff-Respondent-Appellant,

-against-

M-3354  
Index No. 104089/07

Eyeprops Realty, LLC, et al.,  
Defendants,

The Travelers Excess and Surplus  
Lines Company incorrectly sued  
herein as The Travelers Companies,  
Inc., formerly known as The St. Paul  
Travelers Companies, Inc.,  
Defendant-Appellant-Respondent.

-----X

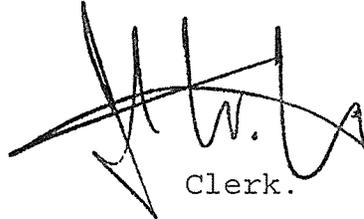
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 2, 2008 (mot. seq. no. 001),

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the January 2010 Term. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

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 18, 2009.

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

-----X  
In re Oscar Cintron,  
Petitioner-Appellant,

-against-

M-1411  
Index No. 994/05

Judith A. Calogero as Commissioner of  
the Division of Housing and Community  
Renewal of the State of New York,  
Respondent-Respondent.

-----X

Petitioner-appellant 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. 5346),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 18, 2009.

Present - Hon. David Friedman, Justice Presiding,  
James M. McGuire  
Rolando T. Acosta  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Merrick Mahoney,  
Plaintiff,

-against-

Turner Construction Co., et al.,  
Defendants-Respondents,

M-816  
Index No. 14806/00

Williams Machinery Movers, Inc., et al.,  
Defendants-Appellants.  
-----X

Defendants-respondents having moved for reargument of the decision and order of this Court entered on January 15, 2009 (Appeal No. 4816),

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

It is ordered that the motion is denied.

E N T E R:

  
Clerk

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

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

M-3244  
Ind. Nos. 5752/04  
and 6485/04

-against-

Larry Wearing,

**REARGUMENT  
DENIED**

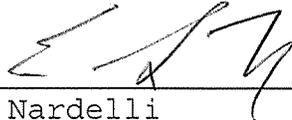
Defendant.

-----X

Defendant having moved for reargument and/or renewal of the order of a Justice of this Court entered June 16, 2009 (M-2144) which denied defendant's application for a certificate granting leave to appeal to this Court from an order of the Supreme Court, New York County, entered on March 31, 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 in its entirety.

  
\_\_\_\_\_  
Eugene L. Nardelli  
Associate Justice

Dated: New York, New York

AUG 03 2009

**ENTERED**

AUG 18 2009

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

BEFORE: Hon. James M. Catterson,  
Justice of the Appellate Division

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

- - - - -  
Tonya A.,

Petitioner-Respondent,  
  
-against-

M-2393  
Docket No. F17620-04/05A

Hal H. H.,  
  
Respondent-Appellant.

-----X

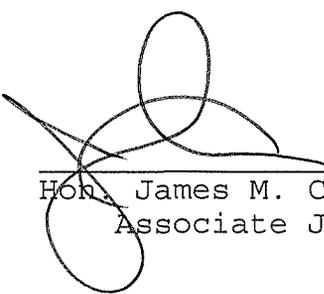
Respondent-appellant having moved for a stay of the order of the Family Court, Bronx County, entered on or about March 17, 2009, pending hearing and determination of the appeal taken therefrom,

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

AUG 04 2009

  
\_\_\_\_\_  
Hon. James M. Catterson  
Associate Justice

Entered:

AUG 18 2009

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

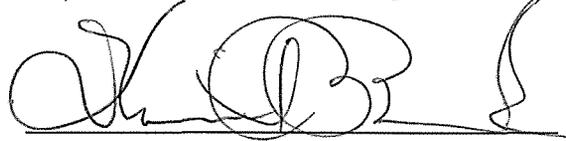
-against-

Robert Schmid and Barbara Eber-Schmid,  
Defendants.  
-----X

M- 2880  
Ind. Nos. 4896/07,  
4897/07

CERTIFICATE  
DENYING LEAVE

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendants for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 4, 2009, is hereby denied.



Hon. Dianne T. Renwick  
Associate Justice

Dated: **AUG 03 2009**  
New York, New York

ENTERED:  
**AUG 18 2009**

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M- 2947  
Ind. No. 8175/1992

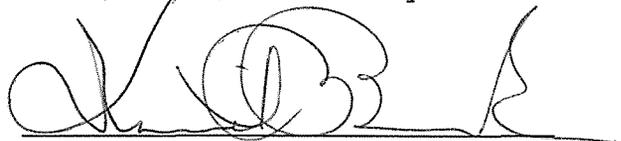
-against-

CERTIFICATE  
DENYING LEAVE

Edward Mackenzie,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendants for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 3, 2009, is hereby denied.



Hon. Dianne T. Renwick  
Associate Justice

Dated: **AUG 04 2009**  
New York, New York

ENTERED: **AUG 18 2009**

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M- 2950  
Ind. No. 3701/2001

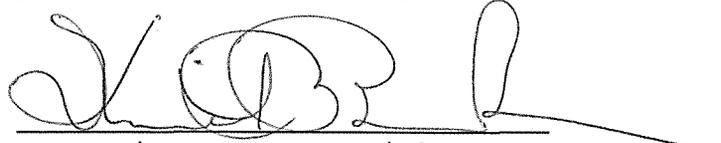
-against-

CERTIFICATE  
DENYING LEAVE

Rodney Freeman,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendants for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 15, 2009, is hereby denied.

  
\_\_\_\_\_  
Hon. Dianne T. Renwick  
Associate Justice

Dated: **AUG 03 2009**  
New York, New York

ENTERED: **AUG 18 2009**

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M- 2998  
Ind. No. 7251/1996

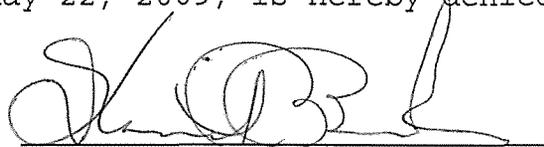
-against-

CERTIFICATE  
DENYING LEAVE

Lawrence Lewis,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendants for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 22, 2009, is hereby denied.



Hon. Dianne T. Renwick  
Associate Justice

Dated: **AUG 03 2009**  
New York, New York

ENTERED: **AUG 18 2009**

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M- 2999  
Ind. No. 4556/2001

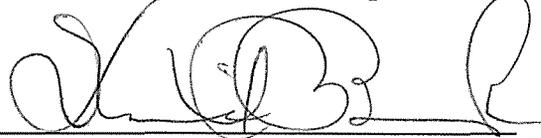
-against-

CERTIFICATE  
DENYING LEAVE

Wesley Kelly,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendants for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 1, 2009, is hereby denied.



Hon. Dianne T. Renwick  
Associate Justice

Dated: **AUG 03 2009**  
New York, New York

ENTERED: **AUG 18 2009**

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M- 3006  
Ind. No. 5991/01

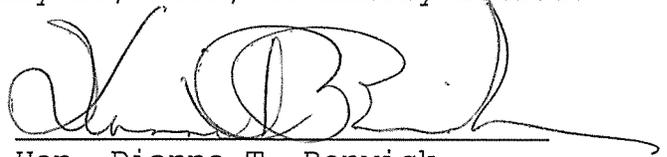
-against-

CERTIFICATE  
DENYING LEAVE

Patrick McDowell,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 15, 2009, is hereby denied.



Hon. Dianne T. Renwick  
Associate Justice

Dated: **AUG 03 2009**  
New York, New York

ENTERED:

**AUG 18 2009**

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

BEFORE: Hon. Dianne T. Renwick  
Associate Justice of the Appellate Division

-----  
Seth Mensah,

Plaintiff,

-against-

M-3144  
Index No. 102406/09

Prof Iraj Kalkoran, Lockheed Martin  
Corporation, European Space Agency

Defendants.  
-----X

Plaintiff having moved, and the motion deemed to be for  
leave to appeal to this Court from the order of the Supreme  
Court, New York County, entered, on plaintiff's default, on or  
about May 21, 2009 (mot seq. no. 002),

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

It is ordered that the motion is denied.

  
\_\_\_\_\_  
Hon. Dianne T. Renwick  
Associate Justice

Dated: **AUG 03 2009**  
New York, New York

Entered: **AUG 18 2009**

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M- 3243  
Ind. No. 8175/1992

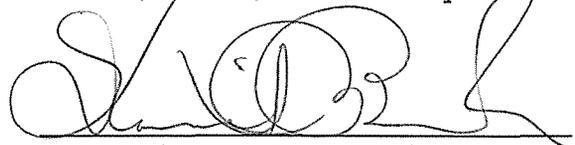
-against-

CERTIFICATE  
DENYING LEAVE

Edward Mackenzie,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendants for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 29, 2009, is hereby denied.



Hon. Dianne T. Renwick  
Associate Justice

Dated: **AUG 03 2009**  
New York, New York

ENTERED: **AUG 18 2009**

# PM ORDERS ENTERED

AUGUST 4, 2009  
AUGUST 11, 2009  
AUGUST 13, 2009

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

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

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

M-3674

Ind. No.  
5117/06

-against-

CERTIFICATE  
DENYING LEAVE

Wayne Parker,  
Defendant-Appellant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein,\* there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal, and related relief, is hereby denied.

Dated: August 4, 2009  
New York, New York

ENTERED: 8/4/09

  
Justice of the Appellate Division

\*Description of order:

Judgment, Supreme Court, New York County, rendered May 10, 2007.  
Affirmed by App. Div., 1<sup>st</sup> Dept., on June 18, 2009 (No. 411).

Notice: The Clerk is directed to immediately file a copy of this Certificate with the Clerk of the Court of Appeals pursuant to CPL § 460.20 subd. 5.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 11, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

47 Avenue B East Inc.,  
Petitioner,

Pursuant to Article 78 of the M-3359  
Civil Practice Law Rules, Index No. 101299/09

-against-

New York State Liquor Authority,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 30, 2009,

And, petitioner having moved for a stay of respondent's cancellation of its license pending hearing and determination of the aforesaid proceeding,

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

It is ordered that the motion is granted to the extent of continuing the relief afforded petitioner by order of a Justice of this Court dated July 20, 2009 on the conditions incorporated in the order of a Judge of the Court of Appeals dated July 1, 2009 and upon the further condition the proceeding is perfected on or before September 8, 2009 for the November 2009 Term. Upon failure to so perfect, respondent may enter an ex parte order vacating the stay on condition that respondent serves a copy of this order upon petitioner within 10 days after the date of entry hereof. Upon failure to comply with the conditions incorporated in the order of the Judge of the Court of Appeals dated July 1, 2009, 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 11, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Randa Bishop,  
Plaintiff-Respondent,

-against-

**M-3393**

Index No. 101683/04

59 West 12<sup>th</sup> Street Condominium,  
Defendant-Appellant,

Goodstein Management, Inc., et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 26, 2008 (mot. seq. no. 006),

And plaintiff-respondent having moved for an order dismissing the aforesaid appeal or, in the alternative, directing defendant to supplement the record on appeal with the March 30, 2009 decision and order of Hon. Louis B. York, Supreme Court, New York County,

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 to dismiss the appeal, is denied. So much of the motion which seeks to supplement the record on appeal is granted. Defendant is directed to serve and file 10 copies of the above-referenced decision and order of Hon. Louis B. York, and the papers upon which said decision and order was issued within 10 days of 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 11, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Chelsea 19 Associates,  
Petitioner-Respondent,

-against-

M-3353  
Index No. 570746/07

Warren James,  
Respondent-Appellant.

-----X

An appeal having been 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 October 9, 2008,

And petitioner-respondent having moved to strike certain portions of the record on appeal and pages of 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, without prejudice to petitioner-respondent addressing the issue in its respondent's brief on the aforesaid appeal which is adjourned to the October 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 11, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
Liana Makkos,  
Plaintiff-Respondent,

-against-

M-3188  
Index No. 350267/06

Thomas Makkos,  
Defendant-Appellant.  
-----x

Defendant-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 September 29, 2008,

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

It is ordered that the motion is granted 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.

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 11, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
Alison R. Minton,  
Plaintiff,

-against-

M-3408  
Index No. 110987/03

The Wings Club, Phil Bakes and  
Dan McKinnon,  
Defendants.

-----x

A purported appeal having been taken to this Court from the ex parte order of the Supreme Court, New York County, entered on or about July 21, 2009,

And plaintiff having moved for a stay of certain oral examinations pending determination of an application by plaintiff's counsel to be relieved, presently sub judice in the Supreme Court,

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

It is ordered that the motion is granted to the extent of staying the direction to take the oral examinations of Pat Sherman and Phil Bakes in California and Florida, respectively, pending determination of the motion by plaintiff's counsel to be relieved presently sub judice in Supreme Court. The motion, to the extent it seeks to stay oral examinations of Gordon Bethune and plaintiff is denied, as moot.

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 11, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalynd H. Richter, Justices.

-----X  
Robert M. Morgenthau, District  
Attorney, New York County, Plaintiff  
Claiming Authority,

Plaintiff-Respondent,

-against-

M-3271  
Index No. 400514/08

Gregory Vinarsky, also known as  
Gary Vinarsky, et al.,

Defendants,

Aron Goldman,

Defendant-Appellant.  
-----X

Defendant-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 July 17, 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 11, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
S.M. Pires,  
Plaintiff-Appellant,

-against-

Frota Oceanica Brasileira, S.A.,  
Defendant-Respondent,

M-3282  
Index No. 1453/06

Galveston Wharves, doing business as  
Port of Galveston, et al.,  
Defendants.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about April 30, 2008 and September 25, 2008, respectively,

And an order of this Court having been entered on March 26, 2009 (M-1061), inter alia, consolidating the aforesaid appeals and enlarging the time in which to perfect same to the September 2009 Term,

And plaintiff-appellant having moved for a further enlargement of time in which to perfect the consolidated appeals,

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

It is ordered that the motion is granted 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.

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 11, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
The Estate of Yaron Ungar by and  
through its Administrator,  
David Strachman, et al.,  
Plaintiffs-Appellants,

-against-

M-3303  
Index No. 102101/06

The Palestinian Authority, et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the orders of the Supreme Court, New York County, entered on or about March 14, 2008 (mot. seq. no. 011) and May 13, 2008, respectively,

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

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

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 11, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosaly H. Richter, Justices.

-----X  
Minerva Vega,  
Plaintiff-Respondent,

-against-

M-3535  
Index No. 13154/04

Restani Construction Corp., et al.,  
Defendants,

General Fence Corporation,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 27, 2009,

And defendant-appellant having moved for a stay of trial 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 September 8, 2009 for the November 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.

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 11, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
James M. Catterson  
Dianne T. Renwick, Justices.

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

-against-

M-3313  
Ind. No. 6255/06

Jamel Bell, also known as  
John Bell,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 2, 2009 (M-1112), inter alia, granting defendant leave to file an amended pro se supplemental brief in connection with the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 17, 2007,

And defendant having moved for an extension of time within which to file the amended 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 amended pro se supplemental brief on or before August 24, 2009 for the November 2009 Term, to which Term the appeal is adjourned. Appellant is reminded that his appeal will not be heard unless and until all material furnished to appellant has been returned.

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 13, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Angelique V.,

A Proceeding for Support Under  
Articles 4 and 5-B of the Family  
Court Act.

**M-3563 & M-3740**  
Docket No. U7803/06

- - - - -  
Saragh Anne K.,  
Petitioner-Respondent,

-against-

Armando Charles C.,  
Respondent-Appellant.

- - - - -  
Frederic Schneider, Esq.,  
Law Guardian for the Child.

-----X

An appeal having been taken from the orders of the Family Court, Bronx County, entered on or about April 1, 2008, October 27, 2008 and January 5, 2009, respectively, and said appeal having been perfected,

And petitioner-respondent having moved for dismissal of the aforesaid appeal (M-3563),

And the law guardian having cross-moved on subject child's behalf for an enlargement of time in which to file a respondent's brief, and petitioner-respondent mother having requested the same relief in the alternative (M-3740),

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 to dismiss the appeal is denied. The cross motion is granted to the extent of permitting the law guardian and petitioner-respondent mother to file their respective briefs on or before September 1, 2009. Respondent-appellant's reply brief is to be served and filed on or before September 10, 2009. The Clerk is directed to calendar the appeal for hearing in the third week of the September 2009 Term.

ENTER:



Clerk