

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 July 7, 2009.

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

-----X  
Angela Feeser,  
Plaintiff-Appellant,

-against-

M-2912X  
Index No. 120240/03

Green House Condominium, et al.,  
Defendants-Respondents.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 9, 2009 (mot. seq. no. 008),

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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

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

-----X  
Elizabeth A. Spielfogel,

Plaintiff-Appellant,

-against-

M-2868X  
Index No. 350249/07

Larry R. Spielfogel,

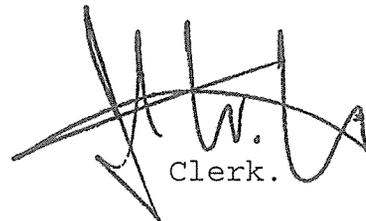
Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 18, 2008 (mot. seq. no. 010),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 7, 2009.

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

-----X  
Robert Liebert,

Plaintiff-Appellant,

-against-

M-2869X  
Index No. 602375/08

Barasch Sound Studios, LLC., and  
Mark Barasch,

Defendants-Respondents.

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

Index No. 590891/08

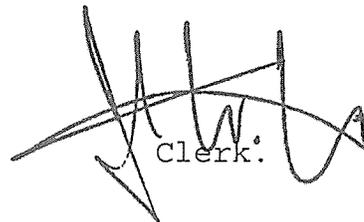
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 28, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 17, 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 July 7, 2009.

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

-----X  
Nardeo Sami,

Plaintiff-Appellant,

-against-

M-2870X  
Index No. 6946/00

Park Towers South Company, LLC,  
et al.,

Defendants-Respondents.

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

Index No. 823366/01

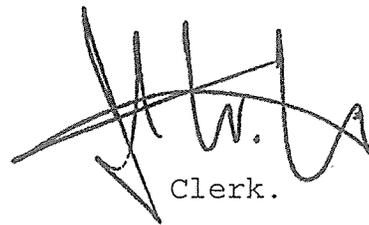
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 21, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 17, 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 July 7, 2009.

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

-----X  
William Cabeza, Sr., as Adminsitrator  
of the Estate of Gladys Cabeza, deceased,  
etc., et al.,

Plaintiffs-Appellants,

M-2561  
Index No. 24620/03

-against-

Park 1005 Inc. and Jacob Selechnik,

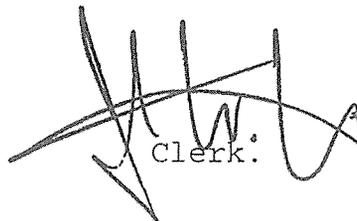
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 11, 2008,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

-----X  
Russell Peacock and  
Constance Hansen,  
Plaintiffs-Respondents,

-against-

M-2668  
Index No. 105392/07

Herald Square Loft Corp.,  
Luis Contreras, David Heeley,  
Eduardo Bauza, George Brenner  
and Romain Girod,  
Defendants-Appellants.

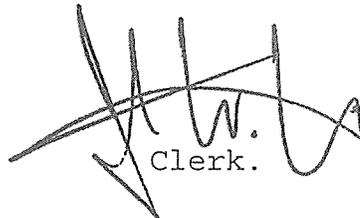
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, New York County, entered on or about August 22, 2008 (mot. seq. no. 001),

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

-----X  
Stephen Lotito,  
Plaintiff-Respondent,

-against-  
Time, Inc.,  
Defendant-Appellant,

Preferred Plumbing, Inc.,  
Defendant-Appellant,

American Construction, Inc.  
and United Rentals, Inc.,  
Defendants.

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

M-2541  
M-2826  
Index No. 13594/07

Separate appeals having been taken by defendant-appellant Time, Inc. and defendant-appellant Preferred Plumbing, Inc., from the order of the Supreme Court, Bronx County, entered on or about July 18, 2008,

And defendants-appellants having separately moved for an enlargement of time in which to perfect their respective appeals (M-2541) and (M-2826),

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

It is ordered that the time of the appellants, in which to perfect the appeals, is enlarged to on or before August 10, 2009 for the October 2009 Term. Sua sponte, the appeals are consolidated and appellants are granted leave to perfect upon 10 copies of a joint 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 July 7, 2009.

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

-----X  
Vivian C. Dickens, as Executrix of  
the Estate of Felix Murray and as  
Successor-in-interest of Ena Murray,  
deceased,  
Plaintiff-Appellant,

-against-

M-2580  
Index No. 116105/97

Lloyd Mathis, also known as Anthony  
Mattis, also known as Lloyd Anthony  
Mateis, Lloyd Mattis, Cassandra  
Brockington and Marcus Brockington,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for an order directing the expeditious perfection of the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 9, 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 to the extent of directing plaintiff-appellant to perfect the appeal on or before August 10, 2009 for the October 2009 Term. Should appellant fail to so perfect defendants may move on notice to dismiss 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 July 7, 2009.

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

-----X  
Claude Williams,  
Plaintiff-Respondent,

-against-

M-2609  
Index No. 117924/04

New York City Transit Authority  
and Cindy Hooper,  
Defendants-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about April 27, 2009,

And plaintiff-respondent having moved to dismiss said appeal or in the alternative directing defendants-appellants to expeditiously perfect 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 to the extent of directing defendants-appellants to perfect the appeal on or before October 5, 2009 for the December 2009 Term, and the Clerk is directed to calendar the appeal for hearing in said 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 July 7, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
John T. Buckley, Justices.

-----X  
Dennis Lee, also known as Lee Man,  
et al.,  
Plaintiffs-Respondents,

-against-

M-2507  
Index No. 603111/05

Nancy Lee Luk, also known as  
Lee Lai Ching, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 23, 2009 (mot. seq. no. 002),

And defendants-appellants having moved for a stay of discovery compliance 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 August 10, 2009 for the October 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellants within 10 days after the date of entry hereof.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

-----X  
Paul Winn,  
Plaintiff-Appellant,

-against-

M-2841  
Index No. 600462/07

Michelle Tvedt, also known as  
Michelle Polizzi, also known as  
Michelle Theresa Polizzi, also  
known as Michelle Adele Polizzi,  
also known as Michelle Connelly,  
et al.,  
Defendants-Respondents,

-----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 August 28, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the October 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 July 7, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
John T. Buckley, Justices.

-----X  
Arbor Realty Funding, LLC,  
Plaintiff-Appellant,

-against-

M-2770  
Index No. 602186/08

East 51<sup>st</sup> Street Development  
Company, 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 June 4, 2009,

And plaintiff-appellant having moved for a stay of enforcement of the aforesaid order including the provisions thereof pertaining to the assignment of a special referee and to hear and report 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 to the extent of staying the aforesaid order on condition that the appeal is perfected on or before August 10, 2009 for the October 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve 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 July 7, 2009.

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

-----X  
Gryphon Domestic VI, LLC, et al.,  
Plaintiffs-Respondents,

Warner Mansion Fund,  
Plaintiff,

M-1695  
Index No. 603315/02

-against-

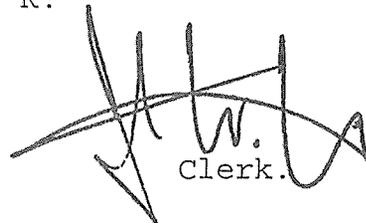
APP International Finance  
Company, et al.,  
Defendants-Appellants.  
-----X

Non-party movants Banc of America, et al., having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 15, 2009 (Appeal Nos. 5055N and 5056N),

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 July 7, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

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

-against-

Silvio Antonio Ferreras,  
Defendant-Appellant.

M-1650  
Ind. Nos. 3250/06  
326/06

-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 8, 2007, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this 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 deeming the appeal withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

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

-against-

M-2625  
Ind. No. 2904/07

Timothy Williams,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 29, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212)577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

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

-against-

M-5517A  
Ind. No. 7686/02

Joseph Melendez,  
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 (John Cataldo, J.) entered on or about October 20, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect said appeal, and for related relief,

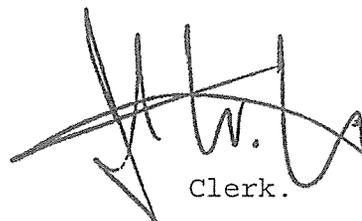
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, and it is further

Ordered that 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 Cataldo as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., 199 Water Street, 5th Fl., New York, NY 10038, Tel. No. (212) 577-3688, 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. The order of this Court entered on January 13, 2009 (M-5517) is hereby recalled and vacated.

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 July 7, 2009.

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

-----X  
German Serrano,  
Plaintiff-Respondent,

-against-

432 Park South Realty Co., LLC,  
Defendant-Appellant.

M-1288  
Index Nos. 119133/01  
59107/03  
59008/04  
590671/05

- - - - -  
[And a Third-Party Action]  
- - - - -

432 Park South Realty Co., LLC,  
Second Third-Party  
Plaintiff-Appellant,

-against-

Fortune Interior Dismantling Corp.,  
Second Third-Party  
Defendant-Respondent.

[And a Third Third-Party Action]  
-----X

Defendant/second third-party plaintiff-appellant  
432 Park South Realty Co., LLC 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 February 17,  
2009 (Appeal No. 5241),

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 July 7, 2009.

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

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

-against-

M-2425  
Ind. No. 2765/94

Jose Bordonada, also known as  
Domingo Acosta,  
Defendant-Appellant.

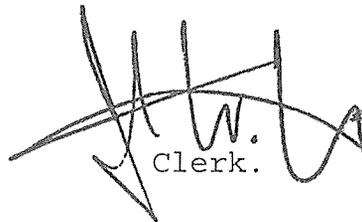
-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2007, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this 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 deeming the appeal withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

-----X  
In the Matter of

James Matthews R.,

Application for the Guardianship and Custody of a Dependent Child under the Age of 18 years Pursuant to the Provisions of Section 384-b of the Social Services Law,

-----  
Leake & Watts, Services, Inc.,  
Petitioner-Respondent,

M-1946  
Docket No. B14114/06

Tyesha E.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 10, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. 914-834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

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

Ana M. G. M. also known as Anna M. and Roselba M. R., also known as Rosalba M.,

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

-----  
Catholic Guardian Society and Home Bureau, M-2435  
Petitioners-Respondents, Docket Nos. 30B-13312/07  
30B-13313/07

Rosealba H., also known as Roselba M., Respondent-Appellant.

-----  
Brad Martin, Esq.  
Law Guardian for the Children.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about March 20, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Tel. No. (914)949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on

appeal, the cost thereof to be charged against the State of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court, which the Clerk of the Family Court is to effect upon receipt of service of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

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

Respondent,

-against-

M-1222  
Ind. No. 8809/91

Prince Backman,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on March 10, 1998 (Appeal No. 458), unanimously affirming the judgment of the Supreme Court, Bronx County (John Collins, J.), rendered on September 14, 1993,

And an order of this Court having been entered on July 13, 2006 (M-5470), denying defendant's application in the nature of a writ of error coram nobis, for review of his claim of ineffective assistance of appellate counsel,

And an order of this Court having been entered on December 5, 2006 (M-4473), denying reargument of the aforesaid order of this Court,

And defendant having moved for reargument of the aforesaid orders of this Court (M-5470 & M-4473),

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 July 7, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Jessenia Shanelle R.,  
Talaya Noemi R. and  
Taina Wanda R.,

Application for the Guardianship and  
Custody of Dependent Children under the  
Age of 18 years Pursuant to the  
Provisions of Section 384-b of the  
Social Services Law,

-----  
Catholic Guardian Society and  
Home Bureau,  
Petitioner-Respondent,

M-2031  
Docket Nos. B26815/06  
B26816/06  
B26817/06

Wanda Y. A., also known as  
Wanda Yessenia A.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about March 16, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. 914-834-3053, as counsel for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed

the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

Nhaima A., also known as Nhaima Niray, A., and Juan A., also known as Juan Ramon A., also known as Juan Ramon A., III,

Dependent Children under 18 Years of Age Pursuant to §384-b of the Social Services Law.

Administration For Children's Services, Petitioners-Respondents,

M-2032  
M-2034  
Docket Nos. B-9301/06  
B-9300/06

Nhaima D. R., Respondent-Appellant.

Jessica Crafton, Esq. Law Guardian for the Children.

-----X  
Respondent-appellant mother having moved by separate motions for leave to prosecute, as a poor person, the appeals from orders of the Family Court, Bronx County, entered on or about February 4, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motions are granted to the extent of consolidating said appeals and (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Tel. No. (516)921-8800, as counsel for purposes of prosecuting the

July 7, 2009

consolidated appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court, which the Clerk of the Family Court is to effect upon receipt of service of this order; and (4) directing appellant to perfect the consolidated appeals within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Sara Kinberg,  
Plaintiff-Appellant,

-against-

M-1365  
Index No. 1628/06

Yoram Kinberg,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 17, 2009 (Appeal No. 4872),

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 July 7, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

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

-against-

M-2390  
Ind. No. 4398/07

Francisco Morales,  
Defendant-Appellant.

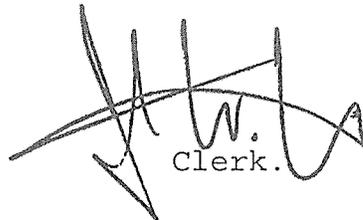
-----X

Defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 14, 2007, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this 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 deeming the appeal withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
In the Matter of

Anthony M. W. A.,

M-1970

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

Docket No. B877/06

-----  
Lutheran Social Services of  
Metropolitan New York,  
Petitioner-Respondent,

Micah W. A.,  
Respondent-Appellant.

-----  
Mark Leider, Esq.,  
Law Guardian for the Child.

-----X  
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about March 27, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212) 693-2330, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Begine W.-K.,

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

-----  
Administration for Childrens Services,  
Petitioner-Respondent,

M-2137  
Docket No. N5080/07

Judith K.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about April 2, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914)949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available

July 7, 2009

therefor<sup>1</sup>; within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court; which the Clerk of the Family Court is to effect upon receipt of service of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

-----X

In re Diane Word,  
Petitioner,

-against-

M-2545  
Index No. 402060/08

Hon. Karen Smith, etc.,  
Respondent.

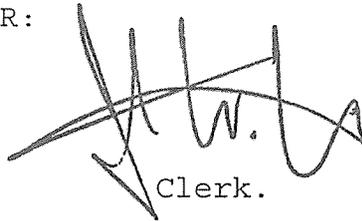
-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 28, 2009 (Appeal No. 445 [M-1254]),

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 July 7, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
The Analytica Group,  
Plaintiff/Counterclaim Defendant  
Respondent-Appellant,

-against-

Eltjo Schoonveld,  
Defendant/Counterclaim Plaintiff-  
Appellant-Respondent,

M-2581  
M-2720  
Index No. 604258/05

-against-

Accentia Biopharmaceuticals Inc.,  
formerly known as Accentia, Inc.,  
Counterclaim-Defendant-Respondent-Appellant.

-----X

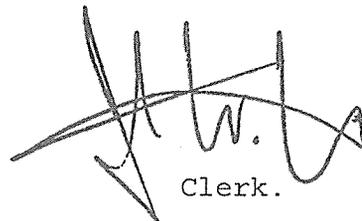
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 25, 2008 (mot. seq. no. 003),

And cross appellants The Analytica Group and Accentia Biopharmaceuticals Inc., having moved (M-2581) and appellant Eltjo Schoonveld having cross-moved (M-2720) for an enlargement of time in which to perfect the aforesaid respective cross appeal and appeal,

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the December 2009 Term, with leave to the parties to seek a further enlargement, if necessary.

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 July 7, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Noah Jeremiah J.,

A Child under the age of 18 Years  
Alleged to be Neglected and/or  
Abused Pursuant to Article 10 of the  
Family Court Act.

-----  
Administration for Children's Services, M-2552  
Petitioner-Respondent, Docket No. NN4086/08

Kimberly J.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 29, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-2525  
Case No. 2015C/05

Jose Carrasco,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 19, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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, 11<sup>th</sup> Floor, New York, New York 10006, Tel. 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. So much of the motion which seeks to have the appeal deemed timely is deemed unnecessary, a timely notice of appeal having been filed on or about December 22, 2008.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

David Arthur Oesterheld, as  
Administrator of the Estate  
of Susan Bergholtz, Deceased,  
Petitioner-Appellant,

-against-

M-2428  
Index No. 103728/05

For the dissolution of Shepard &  
Bergholtz Physical Therapists, P.C.,

Pursuant to Section 1104(a) of the  
New York Business Corporations Law,

Eileen Shepard,  
Respondent-Respondent.

-----X

Respondent-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about July 9, 2008 (mot. seq. no. 003),

Now, upon reading and filing the papers with respect to the motion including the affirmation of appellant's counsel dated June 3, 2009, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

Michael Steedly,  
Petitioner-Appellant,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-2501  
Index No. 402817/08

-against-

Stephen J. Morello, Records Access  
Officer, New York City Department  
of Corrections,  
Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 22, 2009 (mot. seq. no. 001), dismissing petitioner's Article 78 proceeding,

And petitioner having moved for leave to prosecute the appeal as a poor person, upon the original record and reproduced appellant's brief,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

-----X  
Alania Hughes, an infant by her  
mother and natural Guardian,  
Lotrina Kinsey,  
Plaintiff-Appellant,

M-2672  
Index No. 13291/05

-against-

Concourse Residence Corp., et al.,  
Defendants-Respondents.

-----X

Defendant-respondent Home Life Services 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 May 7, 2009 (Appeal No. 510),

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 July 7, 2009.

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

-----X  
In the Matter of

Lanise Moena R.,

Pursuant to §384-b of the Social Services Law of the State of New York.

Harlem-Westside Center for Children and Family Services,  
Petitioners-Respondents,

M-2364  
Docket No. B-10316/06

Simone Robinson,  
Respondent-Appellant.

Ronnie Dane, Esq.,  
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 17, 2008, for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Anne Reiniger, Esq., 801 Second Avenue, 7<sup>th</sup> Floor, New York, NY 10017, Tel. No. (212)972- 5430, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting

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

appellant to dispense with any fee for the transfer of the record from the Family Court to this Court, which the Clerk of the Family Court is to effect upon receipt of service of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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 July 7, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

-against-

M-1147  
Index No. 400207/04

Thomas A. Maul, etc.,  
Defendant.

- - - - -  
L.J., et al.,  
Plaintiffs-Intervenors-Respondents,

-against-

John B. Mattingly, in his official capacity as Commissioner, New York City Administration for Childrens' Services,  
Defendant-Appellant,

Thomas A. Maul, etc.,  
Defendant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 10, 2009 (Appeal No. 4606),

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.

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 July 7, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman, Justices.

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

-against-

M-1713  
Ind. No. 6312/02

Jadinael Ceballos,  
Defendant-Appellant.

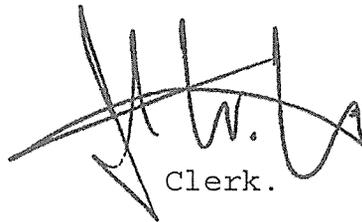
-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about March 30, 2006, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this 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 deeming the appeal withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

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

- - - - -  
Patricia C.,  
Petitioner-Appellant,

M-2707  
Docket Nos. V11653-05/06C  
V11653-05/06D

-against-

Bruce L.,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about September 10, 2008,

And counsel for petitioner-appellant having moved this Court for an order withdrawing the aforesaid appeal,

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

It is ordered that the appeal is deemed withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

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

-against-

M-2553  
Ind. No. 6249/07

Richard Brown,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 6, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Rene Hill, Esq., and to post the \$50,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

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

-against-

M-2544  
Ind. No. 5434/08

James Elliot,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 23, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

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

-against-

M-2516  
Ind. No. 3738/06

Fernandonex Irizarry, also known as  
Fernando Irizarry,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 6, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, David Segal, Esq., and to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosaly H. Richter, Justices.

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

-against-

M-2515  
Ind. No. 1816/08

Horacio Blackwood,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 22, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel and to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York  
ex rel. Paul Simmons,  
Petitioner,

-against-

M-2503  
Ind. No. 1645/07

Hon. Robert T. Johnson, District  
Attorney Bronx County; Warden,  
A.M.K.C.,  
Respondents.

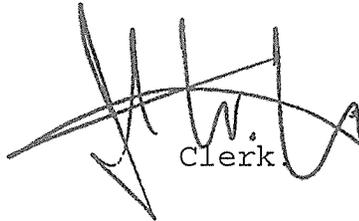
-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this 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 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 July 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
Mohammad Fofana,  
Plaintiff-Respondent,

-against-

41 West 34th Street LLC, GSL  
Enterprises, Inc., Winoker  
Realty Co., Inc. and Midboro  
Holding Co., LLC,  
Defendants-Appellants,

M-2689  
Index No. 1186/06

-and-

Newmark & Company Real Estate,  
Inc. and Alliance Elevator Company  
doing business as Unitec Elevator  
Company,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, Bronx County, entered on or about September 16, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before August 10, 2009 for 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 July 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of  
Alfie S. Durham.

Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR

-against-

M-2746  
Index No. 403029/08

New York City Department of  
Finance,

Defendants-Respondents.

-----X

Petitioner-appellant 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 March 30, 2009 (mot. seq. no. 001), and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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 July 7, 2009.

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

-----X  
Marie Sander,  
Plaintiff-Appellant, Action No. 1

-against-

M-2397  
Index No. 104897/07

Arnold S. Kronick,  
Defendants-Respondents.

-----X  
Marie Sander,  
Plaintiff-Appellant, Action No. 2  
-against- Index No. 107325/07

Greenspan & Greenspan, et al.,  
Defendant-Respondent.

-----X

An order of this Court having been entered on February 17, 2009 (M-6133), dismissing plaintiff's appeal, under Index No. 104897/07 (Action No. 1), taken from the order of Supreme Court, New York County, entered on or about October 1, 2007 (mot. seq. no. 003),

And, an order of this Court having been entered on February 17, 2009 (M-6132 & M-239), dismissing plaintiff's appeal, under Index No. 107325/07 (Action No. 2), taken from the order of the Supreme Court, New York County, entered on or about October 5, 2007 (mot. seq. no. 001),

And plaintiff-appellant Marie Sander having moved to vacate the aforesaid orders of this Court entered on February 17, 2009 (M-6133) and (M-6132 & M-239), dismissing her appeals, and for an enlargement of time in which to perfect said appeals,

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

Ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 7, 2009.

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

-----X  
Vertical Computer Systems, Inc.,  
etc.,  
Plaintiff-Respondent,

-against-

Ross Systems, Inc.,  
Defendant-Appellant,

M-1696  
Index Nos. 600644/03  
600679/04

J. Patrick Tinley, et al.,  
Defendants.

-----  
Ross Systems, Inc.,  
Plaintiff-Appellant,

-against-

NOW Solutions, LLC,  
Defendant-Respondent.

-----X

Appellant Ross Systems, Inc. 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 February 10, 2009 (Appeal Nos. 5201 and 5201A),

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 July 7, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
James M. Catterson, Justices.

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

Respondent,

-against-

M-5871  
Ind. No. 5291/01

Dezra George,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on October 17, 2006 (Appeal No. 9238), unanimously affirming the judgment of the Supreme Court, Bronx County (Joseph Fisch, J.), rendered on December 16, 2003,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

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 July 7, 2009.

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

-----X  
Luis Gonzalez, an infant by his Mother  
and Natural Guardian Luisa Gonzalez,  
and Luisa Gonzalez, Individually,

Plaintiff-Respondent,

-against-

M-2451  
Index No. 101055/07

Chris Limniatis and Anastasios  
Limniatis,

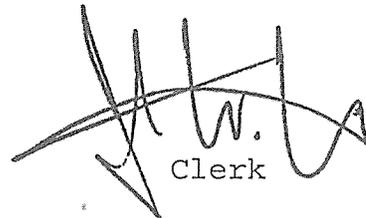
Defendants-Appellants.  
-----X

Defendantss-appellants having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about May 27, 2008,

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

It is ordered that the motion is 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 July 7, 2009.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Alexander B.,

M-1865

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

Docket No. B-5090/07

-----  
Commissioner of Social Services and  
Abbott House,  
Petitioners-Respondents,

Myra R., also known as Myra B.,  
Respondent-Appellant.

-----  
Ruth Ann Litsky, Esq.,  
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about March 12, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Nancy Botwinik, Esq., 309 West 82<sup>nd</sup> Street, Apt. 4-A, New York, NY 10024, Telephone No. (212) 787-1501, as counsel for purposes of prosecuting the appeal;

July 7, 2009

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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1

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

CORRECTED ORDER - July 16, 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 July 7, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Amirah Nicole A., Jahira S. and Joshua S.,

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

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

M-1848  
Docket Nos. B-941/07  
B-942/07  
B-943/07

Tamika R.,  
Respondent-Appellant,

Sabre A.,  
Respondent.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 26, 2009, for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Anne Reiniger, Esq., 801 Second Avenue, 7<sup>th</sup> Floor, New York, NY 10017, Tel. No. (212) 972-5430,

as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court; **the Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



Clerk

---

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