

At a 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 21, 2009.

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

-----X
Elena R. Nieves,
Plaintiff-Respondent,

-against-

M-2447
Index No. 21534/06

Alanis Deli Grocery Corp.,
Defendant-Appellant,

Glovebox Realty Corp.,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 17, 2009,

And defendant-respondent, Glovebox Realty Corp., having moved to strike defendant-appellant's notice of appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence of counsel for defendant Alanis Deli Grocery Corp., dated June 17, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal is deemed withdrawn, and the motion to strike the notice of appeal is denied, as academic.

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 21, 2009.

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

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

Timothy F.,
Petitioner-Respondent,

-against-

M-2726
Docket Nos. V1532/06
V6485/06

Melanie M.,
Respondent-Appellant.

Llinet Beltre-Rosado, Esq.,
Children's Law Center,
Law Guardian for the Child.
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about December 1, 2006,

And assigned counsel, Steven N. Feinman, Esq., having moved on behalf of respondent-appellant to withdraw the aforesaid appeal, and to be relieved as counsel thereon,

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It is ordered that the motion is granted, the appeal deemed withdrawn, and assigned counsel is relieved.

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 21, 2009.

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

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

-against-

M-2734
Index No. 304584/08

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

Defendant-respondent having moved for dismissal of the appeal taken by plaintiff from the order of the Supreme Court, New York County, entered on or about February 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 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 21, 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-2586
Ind. No. 4181/03

Victor Brown,
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 February 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 July 21, 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-2673
Ind. No. 4349/05

Austen Ugweches,
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 22, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 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-2815
Ind. Nos. 1771/07
2333/07

Richard Johnson,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 16, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

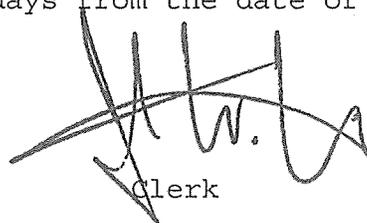
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 July 21, 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-2836
Ind. No. 299/08

Caine Rosario,
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 11, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

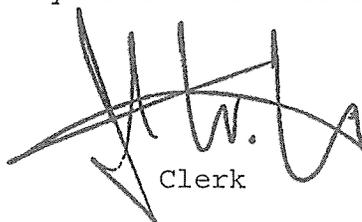
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 July 21, 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-2837
Ind. No. 4704/07

Daniel James,
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 March 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.

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 July 21, 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-2850
Ind. No. 5020/08

Jose Ortega,
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 20, 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 July 21, 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-2862
Ind. No. 2691/07

Avial Peguero,
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 2, 2008, 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 July 21, 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-2877
Ind. Nos. 5533/08
77/09

Michael Rosario,
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 4, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

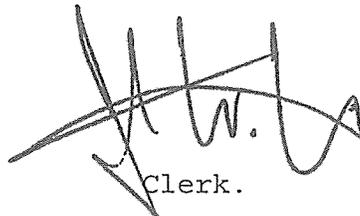
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 July 21, 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-2882
Case No. 26230C/08

Jose Batista,
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 May 19, 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 July 21, 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-2883
Ind. No. 1076/08

Pedro Pagan,
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 May 22, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

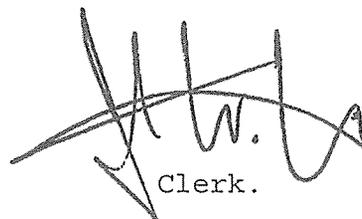
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 July 21, 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-

Rafael Segura, also known as
Rafael Aguilar,
Defendant-Appellant.

M-2885
Ind. Nos. 5084/07
1100/98
143/98

-----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 November 5, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

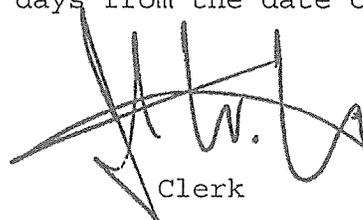
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 July 21, 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-2886
Ind. No. 1402/08

Rodger Wilson, also known as
Rodger L. 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 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 July 21, 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

Eugene L., Jr.,

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

Administration for Children's Services, M-2431
Petitioner-Respondent, Docket No. NN8842/08

Eugene L., also known as Eugene LaF.,
Respondent-Appellant,

Julianna H., also known as
Juliana H.,
Respondent-Appellant.

Richard Beaman, Esq.,
Law Guardian for the Child.

-----X

Separate appeals having been taken to this Court from the order of the Family Court, Bronx County, entered on or about March 6, 2009,

And respondent-appellant father, Eugene L., having moved for leave to prosecute his appeal as a poor person, for a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted 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, New York 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 therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for 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.

It is further ordered that the Clerk is directed to calendar the appeals for hearing together, and petitioner and the Law Guardian are each permitted to file a single brief addressing the appeals. (See M-2489, decided simultaneously herewith.)

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 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

Eugene L., Jr.,

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

Administration for Children's Services, M-2489
Petitioner-Respondent, Docket No. NN8842/08

Eugene L., also known as Eugene LaF.,
Respondent-Appellant,

Julianna H., also known as
Juliana H.,
Respondent-Appellant.

Richard Beaman, Esq.,
Law Guardian for the Child.

-----X

Separate appeals having been taken to this Court from the order of the Family Court, Bronx County, entered on or about March 6, 2009,

And respondent-appellant mother, Julianna H., also known as Juliana H. having moved for leave to prosecute her appeal as a poor person, for a free copy of the transcript, and for related relief,

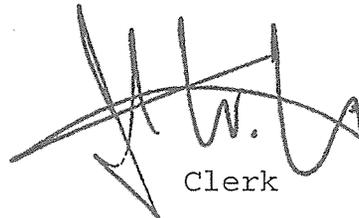
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John Marafino, Esq., 9 West Prospect Avenue, Suite 409, Mount Vernon, New York, 10550, Telephone No. (914) 663-1500, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family

Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for 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.

It is further ordered that the Clerk is directed to calendar the appeals for hearing together, and petitioner and the Law Guardian are each permitted to file a single brief addressing the appeals. (See M-2431, decided simultaneously herewith.)

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 2009.

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

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

John Whitfield,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-2790
Index No. 110706/08

Patricia J. Bailey, FOIL Appeals
Officer, Individually and as a
member of the New York County
District Attorney's Office,
Respondent-Respondent.

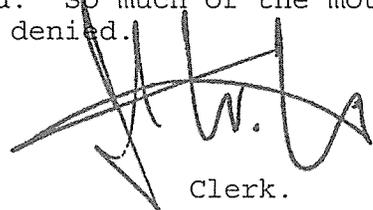
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 13, 2009 (mot. seq. no. 001), for leave to have the appeal heard upon 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 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 July 21, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Karla Moskowitz
Helen E. Freedman, Justices.

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

-against-

Vanessa Morales,
Defendant-Appellant.

M-2728
Ind. Nos. 5059/07
2824/08

-----X

Defendant having renewed her 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 September 9, 2008, 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 July 21, 2009.

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

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

-against-

M-2778
Ind. No. 1630/96

Angelo Zapata,
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 April 27, 2009 (Daniel P. Fitzgerald, J.), for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

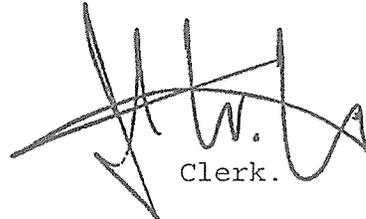
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is 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 Fitzgerald as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 July 21, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
David B. Saxe
John T. Buckley, Justices.

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

-against-

M-2796
Ind. Nos. 2922/03
4310/03

Paul Manning,
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 (Renee White, J.) entered on or about April 27, 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 White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time in which to perfect the appeal is enlarged to the November 2009 Term, with leave 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 21, 2009.

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

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

-against-

M-2799
Ind. No. 2184/07

Livingston Clark,
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 February 11, 2009, 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 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 serve one copy of such brief upon the District Attorney of said county and file 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. 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 July 21, 2009.

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

-----X
Jermaine Barnes,

Claimant-Appellant,

-against-

Court of Claims
M-2623
Claim No. 115653

The City University of New York,

Defendant-Respondent.

-----X

Claimant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Court of Claims, entered on or about November 7, 2008 (Court of Claims Motion No. M-75560), for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for assignment of counsel, and for other relief,

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

It is ordered that the motion is denied.

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 21, 2009.

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

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

-against-

M-2715
Ind. No. 4040/07

Luis Vasquez,
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 30, 2008, and the judgment of **resentence** of said Court rendered on or about May 12, 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(a), setting forth the amount and sources of funds to pay trial counsel's fee, and to post the \$150,000 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.)

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 21, 2009.

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

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

-against-

M-2731
Ind. No. 2808/08

Erica Clemente,
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 April 21, 2009, 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,

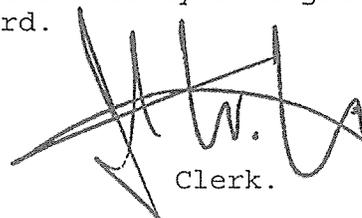
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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 21, 2009.

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

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

-against-

M-2732
Ind. Nos. 5251/07
6131/07

Wayne Hunter,
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 April 13, 2009 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,

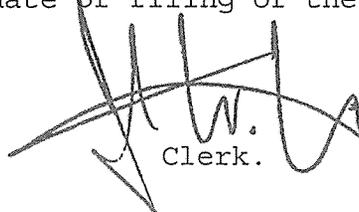
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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 21, 2009.

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

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

-against-

M-2754
Ind. No. 244/08

Joel Velez,
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 10, 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,

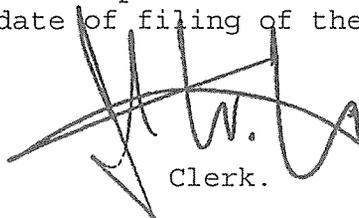
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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 21, 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-2496
Case No. 69760C/08

Shaquana Johnson,
Defendant-Appellant.

-----X

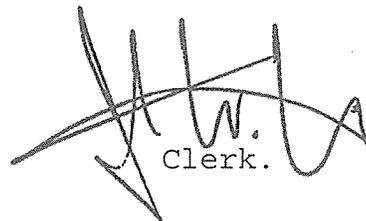
Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 23, 2009, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment 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 only to the extent of deeming the notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) setting forth her indigency, including the amount and sources of her income and listing her property with its value.

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 21, 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-2522
Ind. No. 1988/07

Francisco Lozado,
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, Bronx County, rendered on or about November 18, 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 only to the extent of deeming the notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) setting forth his indigency, including the amount and sources of his income and listing his property with its value.

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 21, 2009.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2756
Ind. No. 5035/08

John Cruz,

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 11, 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-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to show the merit of contentions, as well as a statement detailing the amount and sources of his income and listing his property with its value.

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 21, 2009.

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

-----X
Clifford A. Arrey,
Plaintiff-Appellant,

-against-

M-2809
Index No. 115965/06

Beaux Arts II, LLC, et al.,
Defendants-Respondents.

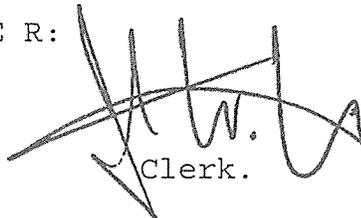
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about August 22, 2008, leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for an enlargement of time in which to 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 denied, with leave to renew upon appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to show the merit of contentions, as well as a statement detailing the amount and sources of his income and listing his property with its value. The time in which to perfect the appeal is enlarged 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 July 21, 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-2676
Case No. 21328C/09

Jose Martinez,
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, Bronx County, rendered on or about April 28, 2009, 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,

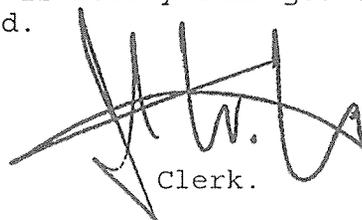
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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. 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.

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 21, 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-2335
Ind. No. 2765/07

Jennifer Wilkov,
Defendant-Appellant.

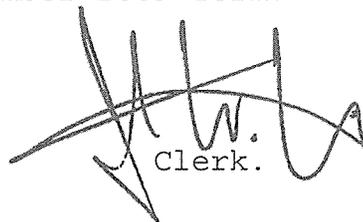
-----X

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 June 4, 2008, and for an enlargement of time in which to 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 deeming the moving papers a timely filed notice of appeal and appellant's time in which to perfect the appeal is enlarged to on or before September 8, 2009 for the November 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 2009.

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

-----X
Israel Deutsch and Shoshanna
Deutsch,
Plaintiffs-Appellants,

-against-

M-2495
Index No. 116105/03

City of New York, MTA New York
City Transit and Metropolitan
Transportation Authority,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect their appeal from the order of the Supreme Court, New York County, entered on or about July 10, 2008 (mot. seq. no. 005),

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 21, 2009.

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

-----X
Nancy Waldbaum Nimkoff,
Plaintiff-Appellant-Respondent,

-against-

Ronald A. Nimkoff,
Defendant-Respondent-Appellant.

-----X

M-2713
M-2805
Index No. 350768/02

An appeal and cross-appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2008,

And plaintiff-appellant-respondent having moved for an enlargement of time in which to perfect her appeal (M-2713),

And defendant-respondent-appellant having cross-moved for the aforesaid relief (M-2805),

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

It is ordered that the motion and cross-motion are granted to the extent of enlarging the time in which to perfect the appeal and cross-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 21, 2009.

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

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

-against-

M-2988
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 moved jointly 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 of the respective parties in which to perfect the appeal and cross 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 21, 2009.

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

-----X
Ivan Rodriguez,
Plaintiff-Respondent-Appellant,

-against-

M-2807
Index No. 7985/02

E&P Associates, et al.,
Defendants-Respondents-Respondents,

Modell's NY, Inc. and Modell's NY II, Inc.,
Defendants-Appellants-Respondents.

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

Index No. 85992/07

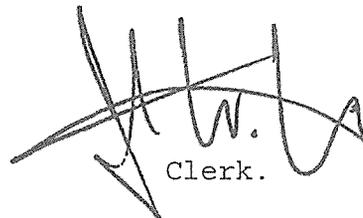
An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 14, 2008,

And plaintiff-respondent-appellant having moved for an enlargement of time in which to perfect the cross appeal,

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

Ordered that the motion is granted to the extent of enlarging the time of the parties in which to perfect the direct appeal and cross appeal to on or before August 10, 2009 for the October 2009 Term. Should direct appellants fail to so perfect, plaintiff is directed to perfect the cross appeal as a direct appellant for the November 2009 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 July 21, 2009.

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

-----X
Maria Gonzalez and Ricardo Gonzalez,
Plaintiffs-Appellants,

-against-

M-2631
Index No. 22218/06

Praise the Lord Dental, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 26, 2008,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 2009.

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

-----X
Eliot C. Nisenbaum, et al.,

Plaintiffs-Appellants,

-against-

M-2784
Index No. 112492/06

Magaw Management, LLC, et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 11, 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 the December 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 2009.

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

-----X
Leonard Boyce, et al.,
Plaintiffs-Respondents,

-against-

M-2853
Index No. 21508/99

Gumley-Haft, Inc.,
Defendant,

Bernard Spitzer,
Defendant-Appellant.

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

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 3, 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 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 July 21, 2009.

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

-----X
Angela Leonardi,
Plaintiff-Appellant,

-against-

M-2638
Index No. 23425/05

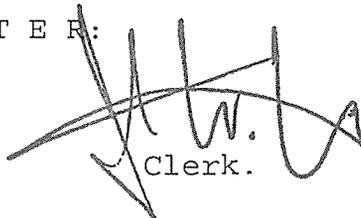
Arlene Cruz, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, Bronx County, entered on or about October 2, 2008 and April 20, 2009, 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 permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals, including a copy of the notice of issue, and enlarging the time in which to perfect the consolidated appeals 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 July 21, 2009.

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

-----X
Board of Managers of Shorehaven
Condominium,
Plaintiff-Respondent,

-against-

M-2610
Index No. 16399/07

Rafael Saldana,
Defendant-Appellant.

Adam Plotch,
Non-Party Appellant.
-----X

An appeal having been taken by non-party appellant Adam Plotch from the order of the Supreme Court, Bronx County, purportedly entered on or about May 11, 2009,

And non-party appellant having moved for a stay of a certain real estate closing 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 in the County of New York on July 21, 2009.

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

-----X
June Kane,
Plaintiff-Respondent,

-against-

M-2769
Index No. 115644/07

The Port Authority of New York and
New Jersey and Otis Elevator
Company,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 5, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is 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 21, 2009.

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

-----X
Vyapar Capital Market Partners LLC,

Plaintiff-Respondent,

-against-

M-2738
Index No. 601379/09

ICAP Management Services Ltd. and
Kevin Evans,

Defendants-Appellants.
-----X

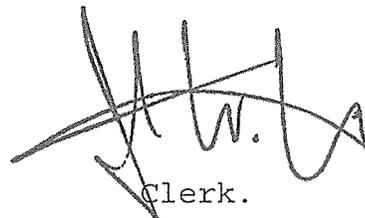
An order of this Court having been entered on June 16, 2009 (M-2483), granting defendants' motion to vacate and/or modify the order of the Supreme Court, New York County, entered on or about May 20, 2009, to the extent of continuing the relief afforded appellants by order of a Justice of this Court, dated May 26, 2009, without prejudice to continuation of proceedings in Supreme Court,

And plaintiff-respondent having moved for modification of the aforesaid order(s),

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 21, 2009.

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

-----X

The People of the State of New York,
Respondent,

-against-

Juan Cruz,

Defendant-Appellant.

M-2793
Ind. Nos. 2944/06
3612/06

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 15, 2007,

And defendant-appellant having moved for an order directing the New York City Department of Probation to release all psychiatric and psychological evaluations and reports prepared in relation to Ind. Nos. 2944/06 and 3612/06,

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

Ordered that the motion is granted.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 2009.

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

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

-against-

M-3017
Ind. No. 4232/00

Michael Cagle,
Defendant-Appellant.

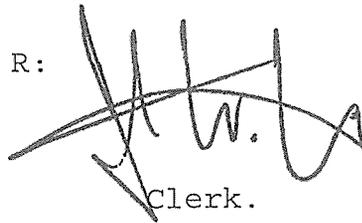
-----X

An order of this Court having been entered on June 9, 2009 (M-2353) granting defendant 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 September 16, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 21, 2009.

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

-----X
Donald B. Blaikie & Co.,
doing business as The Blaikie
Group,
Plaintiff-Respondent,

-against-

M-2484
Index No. 600805/03

Kenneth Heller P.C., et al.,
Defendants-Appellants,

Saul Rudes,
Defendant-Respondent.

-----X
Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about January 9, 2008 (mot. seq. no. 006) and July 28, 2008 (mot. seq. no. 008), respectively,

And defendants-appellants having moved for an enlargement of time in which to perfect the aforesaid appeals and for a stay of proceedings pending hearing and determination of the aforesaid appeals,

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

Ordered that the motion is denied and, sua sponte, the appeals are dismissed.

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 21, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John T. Buckley
James M. McGuire, Justices.

-----x
Kevin Pludeman, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-1104
Index No. 101059/04

Northern Leasing Systems, Inc., et al.,
Defendants-Appellants-Respondents.
-----x

A decision and order of this Court having been entered on May 15, 2007 (Appeal No. 159), modifying the order of the Supreme Court, New York County (Sherry Klein Heitler, J.), entered on April 7, 2005, which, inter alia, reinstated, against the corporate defendant, the cause of action for breach of contract, and otherwise affirming the order,

And an order of this Court having been entered on December 23, 2008 (M-3436), inter alia, directing plaintiffs-respondents-appellants to pay \$1,940.13 for their share of costs of a joint record on appeal in accordance with 22 NYCRR 600.11(d),

And defendants-appellants-respondents having moved for an order finding plaintiffs-respondents-appellants in contempt of court for failing to remit their share of costs on the joint record on appeal in compliance with the order of this Court entered on December 23, 2008 (M-3436), for the imposition of costs and attorney's fees for frivolous conduct pursuant to 22 NYCRR 130-1.1(a), for costs, fees and attorney's fees with respect to the filing of this motion, 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 for an award of costs, attorneys' fees, and sanctions pursuant to 22 NYCRR 130-1.1(a), and for a finding of contempt pursuant to the Judiciary Law, is granted to the extent of directing plaintiffs to pay the \$1,940.13 previously ordered by this Court (M-3436), finding that plaintiffs and their attorneys have engaged in frivolous conduct,

awarding defendants, as sanctions for frivolous conduct, the reasonable costs and attorneys' fees incurred in connection with this motion, payable by plaintiffs and their attorneys in equal shares, and remanding for a determination of the amount thereof. The Clerk of Supreme Court, New York County, is directed to enter judgment accordingly.

Conduct is frivolous if "(1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law; or [inter alia,] (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another" (22 NYCRR 130-1.1[c]).

Plaintiffs and their attorneys engaged in frivolous conduct by refusing to comply with a prior order of this Court (M-3436) directing plaintiffs to pay \$1,940.13 for their share of the cost of the joint record on an appeal and by opposing the instant motion to compel compliance (see *Melnick v Khoroushi*, 57 AD3d 414 [2008]; *Estate of Gottlieb*, 2007 NY App Div LEXIS 7667 [2007]; *Tsabbar v Auld*, 26 AD3d 233 [2006]). To the extent plaintiffs and their counsel claim they are due an offset for costs imposed by another court, their recourse is to raise the matter with that other court. In any event, plaintiffs and their counsel have failed to offer any excuse or legal basis for their refusal to pay even the amount they concede is due.

Accordingly, we award defendants reimbursement for their reasonable costs and attorneys' fees in connection with this motion.

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 21, 2009.

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

-----X
In the Matter of

Arlenys B. and Heiny E.,

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

M-1980
Docket Nos. NA6775/07
NA6776/07

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

Aneudes B.,
Respondent-Appellant.

- - - - -
Shahabudeen Ally, Esq.,
Law Guardian for the Children.

-----X

Respondent-appellant 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 5, 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, Michael S. Bromberg, Esq., 44 Hampton Street, Sag Harbor, NY 11963, Tel. (631) 725-0641, as counsel for purposes of prosecuting the appeal; (2) directing

July 21, 2009

the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for 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.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 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 for
the Guardianship and Custody of

Amani Dominique H., and
Charlie Alexis H.,

Children Under the Age of 18 Years
Pursuant to §384-b of the Social
Services Law of the State of New York.

Cardinal McCloskey Services, et al.,
Petitioners-Respondents,

M-2910
Docket Nos. B13972-3/05

Andre H.,
Respondent-Appellant.

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

-----X
Law Guardian for the Children having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about October 15, 2008, or for alternative relief,

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

It is ordered that the motion is granted only to the extent of enlarging the time of the respondent in which to serve and file their respective briefs to the October 2009 Term, to which Term the appeal is adjourned. The motion is otherwise 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 21, 2009.

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

-----X
Casa Redimix Concrete Corp.,

Plaintiff-Respondent,

-against-

M-3054
Index No. 600672/04

Cosner Construction Corp., et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for consolidation of the appeals taken from the judgment of the Supreme Court, New York County, entered on or about September 23, 2008 and from the order of said Court, entered on or about February 4, 2009 (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 permitting appellants to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellants' points covering the appeals.

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 21, 2009.

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

-----X
John Davis, by his father and
natural guardian Edmund Davis,
Plaintiff-Appellant,

-against-

M-2970
Index No. 22690/01

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

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about November 25, 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 July 21, 2009.

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

-----X
Seth Mensah,
Plaintiff-Appellant,

-against-

M-2658
Index No. 107302/08

Polytechnic University, Belcan
Corporation and Kennedy Space Center,
Defendants-Respondents.

-----X

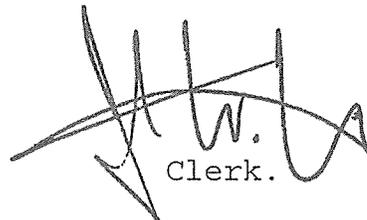
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 4, 2008, (mot. seq. nos. 001 and 003), and said appeal having been perfected,

And defendant-respondent Belcan Corporation having moved for leave to supplement the record on appeal to include documents enumerated as exhibits 1 and 2 annexed to the moving papers,

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

It is ordered that the motion is granted and respondent is directed to immediately file 10 copies of the supplemental record with the Clerk of the 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 July 21, 2009.

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

-----X
In the Matter of the Application for
the Custody and Guardianship of

Lambrid Shepherd C., and
Creadora Creencia S.,

Children Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

M-1768
M-1846
Docket Nos. B11274/06
B11275/06

Jeffrey S.,
Respondent-Appellant,

Cindy C.,
Respondent.

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

-----X
Respondent-appellant having moved, by separate motions, for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about January 16, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motions are granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John Marafino, Esq., 9 West Prospect Avenue, Suite 409, Mount Vernon, New York 10550, Telephone No. (914) 663-1500, as counsel for purposes of

prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for 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. (See M-1768A, decided simultaneously herewith.)

ENTER:



Clerk

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

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 the Application for
the Custody and Guardianship of

Lambrid Shepherd C., and
Creadora Creencia S.,

Children Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

M-1768A
Docket Nos. B11274/06
B11275/06

Jeffrey S.,
Respondent-Appellant,

Cindy C.,
Respondent.

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

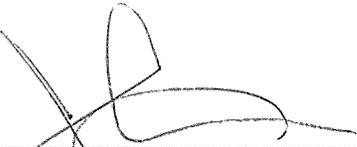
-----X
Respondent-appellant having moved for a stay of all
proceedings, including adoption, pending hearing and
determination of the appeal from orders of the Family Court, New
York County, entered on or about January 16, 2009,

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

Ordered that the motion is denied. (See M-1768/M-1846,
decided simultaneously herewith.)

Dated: New York, New York

Entered: JUL 21 2009



James M. Catterson
Associate Justice

At a 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 21, 2009.

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

-----X
In the Matter of

Brandon R.,

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

Administration for Children's Services, M-2093
Petitioner-Respondent, Docket No. NN10009/07

Chrystal R.,
Respondent-Appellant.

Hal Silverman, Esq.,
Lawyers for Children,
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 March 25, 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, Jay Maller, Esq., 30 Vesey Street, Suite 1803, New York, New York 10007, Telephone No. 212-732-4818, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed

July 21, 2009

the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for 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.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 2009.

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

-----x
Alberto Otero, by his parents and
natural guardian, Jacqueline Vasquez,
and Jacqueline Vasquez, individually,
Plaintiffs-Respondents,

-against-

L&M Hub Associates, LLC,
C&C Affordable Management LLC,
Defendants-Respondents-Appellants,

M-2905
Index No. 16931/05

-and-

Great American Construction Corp.,
Defendant-Appellant-Respondent.

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

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 23, 2008,

And defendants-respondents-appellants, L&M Hub Associates, LLC and C&C Affordable Management LLC, having moved for an order 1) striking the joint record on appeal filed by defendant-appellant-respondent Great American Construction Corp. for failure to submit a complete record and for dismissal of their direct appeal, 2) for an enlargement of time for defendants-respondents-appellants to perfect their cross appeal, and 3) for the imposition of costs against defendant-appellant-respondent with respect to the filing of this motion, 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, to the extent it seeks to strike the joint record on appeal and to dismiss the direct

appeal is denied, with leave to defendants-respondents-appellants to file a joint supplemental record on appeal at the time they file their cross-appellant's brief. The appeal and cross appeal are adjourned to the October 2009 Term.

ENTER:

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

Clerk

CORRECTED ORDER - July 21, 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 21, 2009.

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

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

Miriam Velez,
Plaintiff-Appellant,

For a Judgment, etc.,

-against-

M-1498
Index No. 406685/07

New York City Housing Authority,
Lincoln Houses,
Defendant-Respondent.

-----X

Plaintiff-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 December 19, 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 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 21, 2009.

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

-----X
Tai Ping Chen,
Plaintiff,

-against-

Citibank, et al.,
Defendants.

M-2874
Index No. 108596/03

-----X
An order of this Court having been entered on January 8, 2009 [M-5630], inter alia, denying plaintiff's motion 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 13, 2007, and sua sponte, dismissing the aforesaid appeal,

And orders of this Court having been entered on March 19, 2009 (M-558) and May 21, 2009 (M-1983), denying plaintiff's motions for renewal and/or reconsideration of the prior order of this Court entered on January 8, 2009 [M-5630],

And plaintiff having renewed his motion for reargument of the aforesaid order of dismissal [M-5630],

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

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

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

Respondent

M-2280
Ind. No.6418/06

-against-

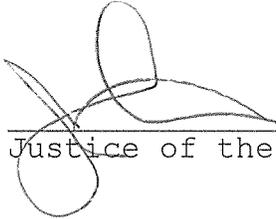
CERTIFICATE
GRANTING LEAVE

Jerry Francois

Defendant - Appellant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, Supreme Court, First Judicial 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 a question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal is hereby granted.



Justice of the Appellate Division

Dated: July 8, 2009
New York, New York

ENTERED: JUL 21 2009

*Description of order:

Supreme Court, New York County, entered on January 29, 2008,
Affirmed by App. Div., 1st Dept., on April 16, 2009 (App. No. 85).

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.

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

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

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

M-1526
Ind. No. 3188/94
5204/99

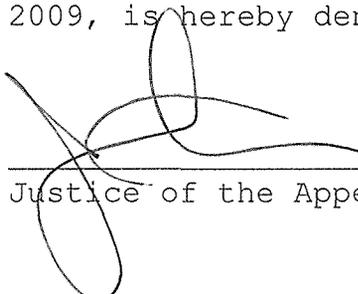
-against-

CERTIFICATE
DENYING LEAVE

Ernest Williams
Defendant.

-----X

I, James M. Catterson, 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 orders of the Supreme Court, New York County, dated February 13, 2009, is hereby denied.



Justice of the Appellate Division

Dated: July 7, 2009
New York, New York

ENTERED: JUL 21 2009

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

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

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

M-2593
Ind. No.9229/94

-against-

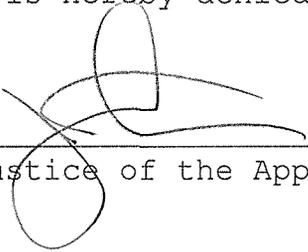
CERTIFICATE
DENYING LEAVE

Juan Zapata

Defendant.

-----X

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



Justice of the Appellate Division

Dated: July 8, 2009
New York, New York

ENTERED: JUL 21 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
The People of the State of New York,

M-2595
Ind. No. 13448/89

-against-

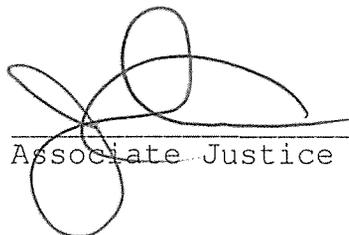
CERTIFICATE
DENYING LEAVE

Gregory Goodwine

Defendant

-----X

I, James M. Catterson, 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 May 14, 2009, is hereby denied.



Associate Justice

Dated: July 10, 2009
New York, New York

ENTERED: JUL 21 2009

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

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

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

M-2810
Ind. No.9620/97

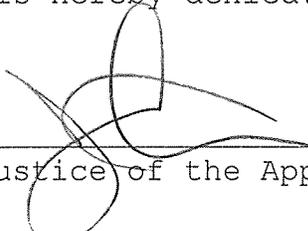
-against-

CERTIFICATE
DENYING LEAVE

Rhonda Hernandez
Defendant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, Sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated May 18, 2009, is hereby denied.



Justice of the Appellate Division

Dated: July 8, 2009
New York, New York

ENTERED: JUL 21 2009

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-1999
Ind. No. 5779/1995

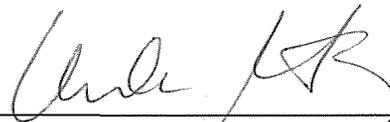
-against-

CERTIFICATE
DENYING LEAVE

Bablin You , also known as
You Bablin,
Defendant.

-----X

I, Karla Moskowitz, 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 March 25, 2009, is hereby
denied.



Associate Justice

Dated: JUL 14 , 2009
New York, New York

ENTERED: JUL 21 2009

PM ORDERS

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 21, 2009.

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

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

-against-

M-3050
Index No. 401719/04

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

-----X

Defendant-appellant New York City Health & Hospitals Corporation having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about June 5, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 July 21, 2009.

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

-----X
Nella Manko,
Plaintiff-Appellant,

-against-

Dr. Dana Mannor, Matthew Lubin and
Alan Tikotsky,
Defendants-Respondents,

M-3224
Index No. 109296/07

Elton Strauss,
Defendant-Respondent,

-and-

Lenox Hill Hospital, et al.,
Defendants.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the consolidated appeals taken from the orders of the Supreme Court, New York County, both entered on or about February 15, 2008 (mot. seq. nos. 001 and 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 consolidated appeals to on or before August 10, 2009 for the October 2009 Term.

ENTER:


Clerk.