

At a 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 28, 2009.

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

-----X
Ralph Villanueva, administrator of
the Estate of Esther Villanueva,
Plaintiff-Respondent,

-against-

M-2941X
Index No. 21290/00

Ivan Kahn, M.D., Herzl Ragins, M.D.,
Manuel Vasquez, M.D., New York
Medical Group, P.C., and Montefiore
Medical Center,
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
383 Madison LLC,
Plaintiff-Appellant,

-against-

M-2942X
Index No. 601570/08

The Bear Stearns Companies Inc.,
et al.,
Defendants-Respondents.

-----X

Appeals having been taken from the order and judgment of the Supreme Court, New York County, entered on or about December 19, 2008 (mot. seq. no. 001) and January 12, 2009, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2009, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
ELM Suspension Systems, Inc.
Plaintiff-Appellant,

-against-

M-2943X
Index No. 601455/04

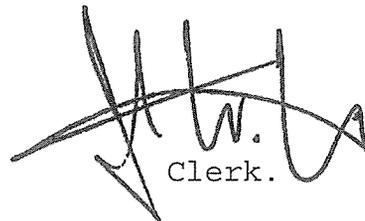
Skyline Restoration & Waterproofing,
Inc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 16, 2009 which, upon granting reargument, adhered to the prior decision of the Court dated May 12, 2008 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Noble Gift Packaging Inc.,
Plaintiff-Appellant,

-against-

M-2944X
Index No. 603725/07

Almod Diamonds Ltd., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 19, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Metropolitan Steel Industries, Inc.,
doing business as Steelco,
Plaintiff-Respondent,

-against-

M-3037X
Index No. 104341/02

Perini Corporation, et al.,
Defendants-Appellants.

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

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 17, 2008 (mot. seq. no. 020),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 30, 2009, and due deliberation having been had thereon,

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Jason Morales, et al.,
Plaintiffs-Appellants,

-against-

M-3038X
Index No. 102690/07

Manuel Galazza, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about February 24, 2009 (mot. seq. no. 003) and March 2, 2009 (mot. seq. no. 006), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 30, 2009, and due deliberation having been had thereon,

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Florence Ranieri, as Administratrix
of the Estate of Armando Ranieri,
and Florence Ranieri, Individually,

Plaintiffs-Respondents,

-against-

M-3045X
Index No. 6962/04

Montefiore Medical Center, sued herein
as Montefiore Medical Center, The
University Hospital for the Albert
Einstein College of Medicine,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 5, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 30, 2009, and due deliberation having been had thereon,

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Sagecrest II, LLC,
Plaintiff-Respondent,

-against-

M-3064X
Index No. 600166/09

Ian S. Peck, et al.,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 19, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 1, 2009, and due deliberation having been had thereon,

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Mutual Marine Office, Inc.,
Plaintiff-Respondent,

-against-

M-3065X
Index No. 602094/04

Joy Construction Corporation,
Defendant-Appellant.
-----X

Appeals having been taken from the order and judgment of the Supreme Court, New York County, entered on or about February 4, 2009 and February 20, 2009, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 1, 2009, and due deliberation having been had thereon,

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Zifu Wu, et al.,
Plaintiffs-Respondents,

-against-

M-3066X
Index No. 16601/05

Tarzan Cab Corp., et al.,
Defendants-Appellants.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 1, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Walter Moller, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-3039X
Index No. 108756/04

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

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 15, 2009 (mot. seq. no. 012),

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

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

Lawrence A. Cline, as a Member of
Private Capital Management, LLC,
and PCM Interest Holding, LLC, as
a Beneficial Holder of Part of the
Economic Interest in Private Capital
Management, LLC,
Petitioners-Respondents,

for an order and judgment dissolving
the limited liability company, Private
Capital Management, LLC, pursuant to
New York Limited Liability Company
Law Section 702,

M-2647
Index No. 650117/09

-against-

Thomas B. Donovan,
Respondent-Appellant.

-----X
Respondent-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 29, 2009,

Now, upon reading and filing the papers with respect to the motion, including the correspondence filed June 25, 2009 by David J. Katz, Esq., counsel to respondent-appellant Thomas Donovan, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Theodore Cantey,
Plaintiff-Appellant,

-against-

M-2614
Index No. 250849/08

The City of New York and The New York
City Department of Corrections,
Defendants-Respondents.

-----X

Municipal defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 1, 2008,

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

Ordered that the motion is granted and the appeal is dismissed.

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 28, 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

Key Bank, doing business as Key
Equity Service,

Plaintiff-Respondent,

-against-

M-2733
Index No. 101811/07

Fernely Torres, Betania Sanchez and
First American Title Insurance
Company of New York,

Defendants-Appellants.

-----X

Defendant-appellant Betania Sanchez having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 17, 2008,

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

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 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-2744
Ind. No. 6173/90

John Castillo,

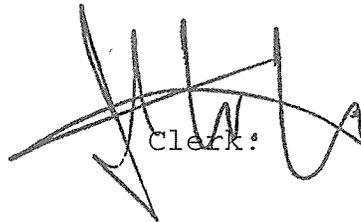
Defendant-Appellant.
-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 25, 2007,

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

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

ENTER:


Clerk:

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Carlton Long,
Plaintiff-Respondent,

-against-

Beverly Folasade Sowande and
Sowande & Associates, P.C.,
Defendants-Appellants,

M-2757
Index No. 120072/00

-and-

U-Haul Company of New York and
Vermont, Inc., et al.
Defendants-Respondents.

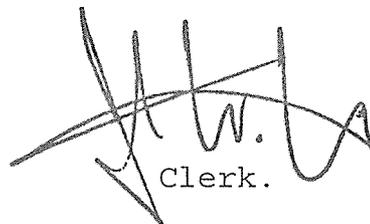
-----X

Defendants-respondents Ian Gottlieb and American Liquidators having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about November 30, 2007 (mot. seq. nos. 015 and 016),

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

It is ordered that the motion is granted and the appeal is dismissed. The stay of proceedings previously granted by order of this Court entered February 3, 2009 (M-6138), is vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 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-2919
Ind. No. 5347/08

Darnell Smith,
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,

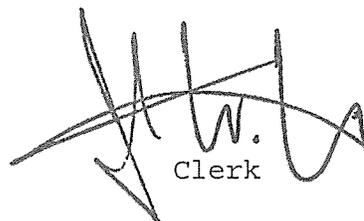
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 28, 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-2920
Ind. No. 5804/06

Lionel 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 May 28, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

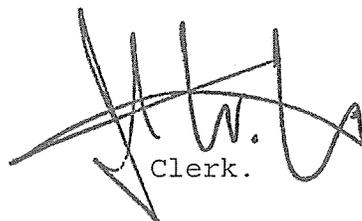
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 28, 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-2924
Ind. No. 1402/08

Maurice Newman,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 12, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

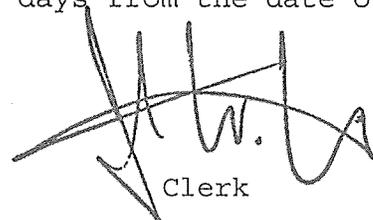
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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 28, 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-2928
Ind. No. 2692/06

George Ortiz,
Defendant-Appellant.

-----X

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

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

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

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

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 28, 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-2929
Ind. No. 4632/08

Ronald Gantt,
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 26, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

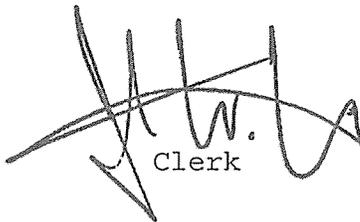
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 28, 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-

Gary Teasley,
Defendant-Appellant.

M-2931
Ind. Nos. 3259/07
5758/07

-----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 9, 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 28, 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-2939
Ind. No. 3081/08

Anthony McDowell,
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 14, 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 28, 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-2945
Case No. 70490C/08

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

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

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

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

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 28, 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-2955
Ind. No. 2904/08

Joshua Lawyer, also known as Jashua
Lawyer,
Defendant-Appellant.

-----X

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

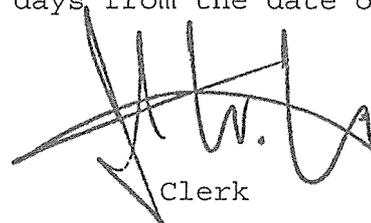
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL § 210.20, Arts. 710 and 730, 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 28, 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-2968
Ind. No. 5519/99

Barry Green,
Defendant-Appellant.

-----X

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

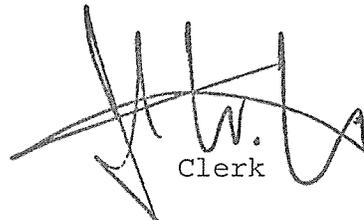
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

E N T E R :


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 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-2980
Ind. No. 5260/06

DeShun Jackson, also known as DÉShun
Jackson,
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 March 31, 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 28, 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-2981
Ind. No. 4039/06

Bryan Wingfield,
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 January 4, 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 28, 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-2996
Ind. No. 1537/08

Keith Brown,
Defendant-Appellant.

-----X

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

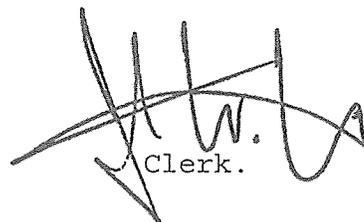
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 28, 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,

-against-

M-2724
Ind. No. 3054/05

Timothe Charles,

Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 19, 2005, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion, to the extent it seeks an enlargement of time in which to file a notice of appeal, is denied. So much of the motion which seeks poor person relief is denied, as moot. (CPLR 460.30 subd [1])

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 28, 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-2768
Ind. No. 127/98

Juan Carlos Torres, also known as
Juan C. Torres, also known as Juan
Torres,

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

Matthew W.,
Petitioner-Appellant,
M-5549
Docket Nos. V3140/06
V4710/06

-against-

Meagan R.,
Respondent-Respondent.

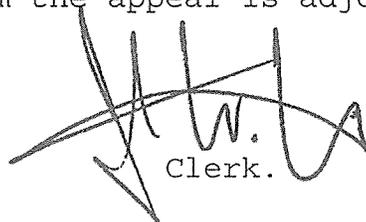
-----X

Respondent-respondent mother having moved for leave to respond, as a poor person, to the appeal taken from the order(s) of the Family Court, Bronx County, entered on or about July 11, 2008, for the assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 110 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Tel. No. (914)949-8214, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court. Respondent is directed to respond to petitioner's appeal on or before September 9, 2009 for the October 2009 Term, to which Term the appeal is adjourned.

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 28, 2009.

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

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

- - - - -
Perry B.,
Petitioner,

M-2816
Docket No. F-17321/88

-against-

Francine F.,
Respondent.

-----X

Petitioner having moved for leave to prosecute, as a poor person, a purported appeal from an unidentified order of the Family Court, Bronx County, 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 denied, with leave to renew upon submission of a copy of the order appealed from, the notice of appeal therefrom, and an affidavit of merit with respect to the purported appeal.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

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

Vivie Gammons,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-2690
Index. No. 114175/06

-against-

The New York City Administration for
Children's Services, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 29, 2006,

And an order of this Court having been entered April 7, 2009 (M-1276/M-1244) dismissing said proceeding,

And petitioner having renewed the motion for leave to prosecute, as a poor person, the proceeding from the aforesaid order, for an enlargement of time in which to perfect the proceeding, and related relief,

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

It is ordered that the motion is denied as moot, the proceeding having been dismissed by order of this Court entered April 7, 2009 (M-1276/M-1244).

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 28, 2009.

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

-----X
Cabrini Terrace Joint Venture,
Petitioner-Landlord-Respondent,

-against-

M-2737
Index No. 570255/08

Charles O'Brien,
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about April 29, 2009, and for a stay of execution of a warrant of eviction pending hearing and determination of the appeal,

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

It is ordered that so much of the motion which seeks leave to appeal to this Court is granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court. So much of the motion which seeks a stay of eviction pending hearing and determination of the appeal is granted to the extent of continuing the relief afforded tenant-appellant by order of a Justice of this Court dated June 10, 2009 on condition the appeal is perfected on or before October 5, 2009 for the December 2009 Term. Upon failure to so perfect, respondent may move on notice to vacate the stay of execution of the warrant of eviction.

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 28, 2009.

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

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

-against-

M-848
Ind. No. 2204/07

Allen Proctor,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 26, 2008 (M-3358) denying appellant's motion for substitution of assigned counsel with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 11, 2007,

And defendant-appellant having moved for reargument of the aforesaid order, 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. See the decision and order of this Court entered on February 19, 2009 (Appeal No. 5279) unanimously affirming the judgment of the Supreme Court, New York County (Laura A. Ward, J.) rendered on or about July 11, 2007.

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 28, 2009.

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

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

-against-

M-2398
Ind. No. 8163/96

Warren Foster,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 17, 2002 (Appeal Nos. 2568-2568A), unanimously affirming the judgment of the Supreme Court, New York County (Richard Carruthers, J.), rendered on October 31, 1997,

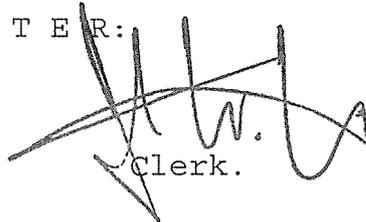
And an order of this Court having been entered on September 4, 2003 (M-2681), denying defendant's motion, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and an order of this Court having been entered on May 18, 2004 (M-268) denying reargument thereof,

And defendant having moved for reargument of the denial of his application for a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Richard Davimos, Jr.,

Plaintiff-Respondent,

-against-

M-2243
Index No. 111013/02

John Halle,

Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 31, 2009 (Appeal No. 196),

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 28, 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, M-2168 (DC #30)
M-2270
-against- M-2423
Ind. No. 5431/03
Alberto Polanco,
Defendant-Appellant.

-----X
An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 25, 2005,

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

And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice, and defendant pro se having responded thereto seeking an enlargement of time in which to perfect the appeal (M-2168 [DC #30]),

And defendant-appellant pro se having moved, by separate motion, for an order relieving Mitchell Dranow, Esq. as counsel and substituting other counsel to prosecute the appeal (M-2270),

And assigned counsel Mitchell Dranow, Esq. having moved for an order assigning a second counsel to assist him on defendant-appellant's appeal (M-2423),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon (M-2270/M-2423), and upon the Court's own motion (M-2168 [DC #30]),

(M-2168 [DC #30])
(M-2270/M-2423)

-2-

July 28, 2009

It is ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term, for which Term counsel is directed to so perfect. The motions with respect to substitution of assigned counsel and for the assignment of assisting counsel are denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 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-2109 (DC #4)
M-2158
Ind. No. 3210/03

Allen Andrade,
Defendant-Appellant.

-----X

An appeal having been taken by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 30, 2006,

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

And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice (M-2109 [DC #4]),

And counsel for defendant, Richard M. Greenberg, Esq., Office of the Appellate Defender, having moved for an order compelling the transcription of minutes as yet not transcribed, including the minutes of defendant's first trial held on or about May 31, 2005, June 6, 2005 and June 13, 2005 (Reporter Jennifer Sullivan), and for an enlargement of time in which to perfect the appeal (M-2158),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon (M-2158), and upon the Court's own motion (M-2109 [DC #4]),

It is ordered that the Clerk of the Supreme Court, Bronx County, is directed to have transcribed and delivered to appellant's counsel the minutes enumerated above and any other minutes as yet not transcribed within 30 days from the date of service upon the Clerk of a copy of this order, which appellant's

counsel is directed to serve within 10 days from the date of entry hereof. Appellant's time in which to perfect the appeal is enlarged to 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 28, 2009.

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

-----X
Danny Rivera,
Plaintiff-Appellant,

-against-

M-2660
Index No. 23744/99

Dennis Ayala, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 9, 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 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 28, 2009.

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

-----X
Lidia Hughes,
Plaintiff-Respondent,

-against-

M-2542
Index No. 36544/05

Andre Hughes,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of enforcement of the judgment of divorce of the Supreme Court, Bronx County, entered on or about May 8, 2009, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on July 28, 2009.

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

-----X
Awards.Com, LLC and Inspire
Someone, LLC,
Plaintiffs-Respondents,

-against-

M-2965
Index No. 603105/03

Kinko's, Inc.,
Defendant-Appellant,

Federal Express Corp., et al.,
Defendants.

-----X

An appeal having been taken by defendant Kinko's, Inc., from the judgment of the Supreme Court, New York County, entered on or about February 10, 2009,

And plaintiffs-respondents having moved for a stay of enforcement of the aforesaid judgment and further appellate proceedings in this Court with respect thereto, pending hearing and determination of the appeal taken by plaintiffs in the Court of Appeals from the decision and order of this Court entered on April 19, 2007 (Appeal No. 8875) in the above-captioned action,

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 28, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
R&R Capital LLC, et al.,
Plaintiffs-Appellants,

-against-

M-1824
Index No. 604080/05

Linda Merritt, etc.,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 19, 2009 (Appeal No. 108),

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 28, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----x
Juan Reyes, M.D.,
Plaintiff-Appellant,

-against-

Rafael Sequeira, M.D., S.A.R.
Bookkeeping & Billing Corporation,
91 Graham Realty Corporation and
424 East 138th Street LLC,
Defendants-Respondents.

M-2833
Index No. 24634/03

-----x
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about November 12, 2008,

And an order of this Court having been entered on May 12, 2009 (M-1820), inter alia, granting a stay of trial on condition the appeal be perfected for the September 2009 Term,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal, and for a continuation of the stay granted by the order of this Court entered on May 12, 2009 (M-1820),

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

It is ordered that the motion is granted and the time in which to perfect the appeal is enlarged to on or before August 10, 2009 for the October 2009 Term, and the stay of trial is continued pending hearing and determination of the appeal on condition the appeal is so perfected. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that any respondent serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----X
George Amsel, et al.,

Plaintiffs-Respondents,

-against-

M-1949
Index No. 110944/05

New York Convention Center
Operating Corporation, also known as
The Jacob K. Javits Convention Center,

Defendant-Appellant.
-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 24, 2009 (Appeal No. 124),

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 28, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----X
Allan Grayson,
Plaintiff-Appellant,

-against-

M-890
Index No. 570434/07

Vanessa Burdick,
Defendant-Respondent.

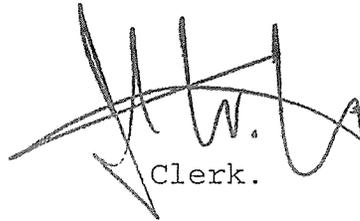
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 22, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
In the Matter of

Kendell R.,
A Person Alleged to Be a Juvenile Delinquent,
Respondent-Appellant.
-----X

M-2012
Docket No. D23854/08

Appellant having moved for leave to prosecute the appeal from the order of the Family Court, Bronx County, entered on or about April 8, 2009, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and Section 1120 of the Family Court Act (1) Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212)693-2330, is assigned as counsel, for purposes of prosecuting the appeal (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available 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 28, 2009.

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

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

-against-

M-5217A
Ind. No. 7608/02

Keith Foxworth,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about October 26, 2007, 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.

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. The order of this Court entered on December 16, 2008 (M-5217) is hereby recalled and vacated.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

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

-against-

M-1513
Ind. No. 2923/04

Marlon Henry,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about July 9, 2007,

And counsel for defendant-appellant having moved to enlarge the record on appeal to include certain documents listed "lost" by the Clerk of the Supreme Court, Bronx County, 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. The Clerk of the Supreme Court, Bronx County, is directed to serve a copy of this order upon Cesar Gonzalez, Esq. at his last known business address after diligent inquiry as to same and upon the Appeals Bureau at the Office of the Bronx County District Attorney within 20 days of the date hereof. Within 20 days of service upon them of said papers those persons are to provide copies of the aforesaid documents in their possession to the Clerk or provide an affirmation to the effect that after diligent examination of their files such documents cannot be located. Counsel for defendant is directed to effect service upon the Clerk within 20 days of the date of entry hereof.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Richard T. Andrias
Leland G. DeGrasse, Justices.

-----X
Morton M. Hirsch,
Petitioner-Appellant,

-against-

M-2681
Index No. 104471/05

Elaine Stewart,
Respondent-Respondent,

"John Doe" and "Jane Doe,"
Respondents.

-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 23, 2009 (Appeal No. 5000),

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 28, 2009.

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

-----X
Richard Kaminowitz,

Plaintiff-Appellant,

-against-

M-2890
Index No. 16570/06

Ricky Trucking Corp., et al.,

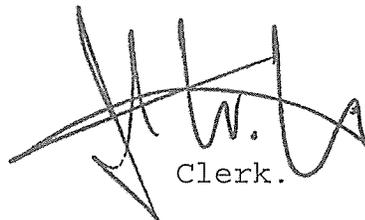
Defendants-Respondents.
-----X

Defendants having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about April 15, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

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

- - - - -
Miguel R., M-2054
Docket No. V-01465/08
Petitioner-Respondent,
-against-

Wilda C.,
Respondent-Appellant.

-----X

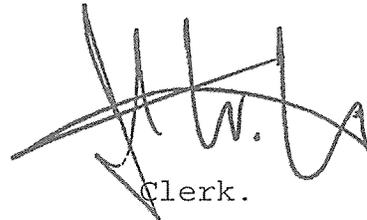
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about March 23, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, 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) 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:

A handwritten signature in black ink, appearing to be "J.W.L.", written over the word "Clerk." The signature is stylized and somewhat illegible.

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 28, 2009.

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

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

-against-

M-2872
Ind. No. 1815/08

Luis Ortiz,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 17, 2009, for leave to prosecute the appeal as a poor person 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 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 10007, Telephone No. (212)402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

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

Respondent,

-against-

M-2861

Ind. No. 4076/08

Robert Bennett,

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 upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal, as well as a statement detailing the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

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

Respondent,

-against-

M-2878
Ind. No. 4429/08

Diane Williams,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 3, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$20,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

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

-against-

M-2846
Ind. No. 36362C/08

Pedro Lizaldo,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 1, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including an English language translation thereof.

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 28, 2009.

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

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

- - - - -
Susan B., M-3223
Petitioner-Respondent, Docket Nos. V708-05/07B
V708-05/08C

-against-

Charles M.,
Respondent-Appellant.
-----X

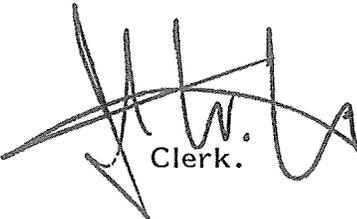
An appeal having been taken from the order of the Family Court, Bronx County, entered on or about April 24, 2008,

And petitioner-respondent mother having moved for an order enlarging the record on appeal to include certain minutes in the record on 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 record on appeal to include hearing minutes dated February 20, 2007 and February 21, 2007, and any other relevant minutes with respect to the visitation issue and directing petitioner-respondent to immediately provide copies of said minutes to the Clerk of this Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Edgewater Growth Capital Partners,
L.P., et al.,

Plaintiffs-Appellants,

-against-

M-2782
Index No. 108641/08

Greenstar North America Holdings,
Inc.,

Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for a stay of arbitration pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 16, 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.

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 28, 2009.

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

-----X
853 Seventh Avenue Owners, LLC,
Plaintiff-Respondent,

-against-

W&HM Realty Company,
Defendant-Appellant,

M-2803
Index No. 602813/08

-and-

The City of New York, acting by and
through the New York City Department
of Buildings,
Defendant-Respondent.

-----X

Defendant-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about May 15, 2009 (mot. seq. no. 002), pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
425 Third Avenue Realty Co.,
Plaintiff-Respondent,

-against-

M-3024
Index No. 400841/08

Scott Greenfield and Justin Clair,
Defendants-Appellants.

-----X

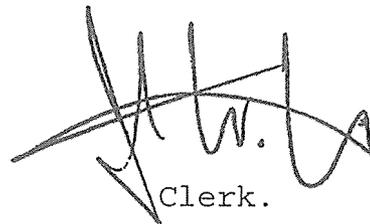
Appeals having been taken to this Court by defendants-appellant from orders of the Supreme Court New York County, entered on or about September 29, 2008 (mot. seq. no. 001) and October 23, 2008, respectively,

And defendants-appellants having moved for consolidation of the aforesaid appeals 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 permitting appellants to prosecute the appeals upon 10 copies of one record and one set of appellants' points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the February 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Tran Han Ho and Sun Mei Market Inc.,
Plaintiffs-Appellants,

-against-

M-2786
Index No. 102956/03

Patrick J. Brackley,
Defendant-Respondent.

-----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 August 14, 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 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 28, 2009.

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

-----X
Juanita Young,
Plaintiff-Respondent,

-against-

M-3075
Index No. 25645/03

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

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about September 22, 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 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 28, 2009.

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

-----X
Sirius America Insurance Company,
et al.,
Plaintiffs-Respondents,

-against-

M-3204
Index No. 600785/04

Burlington Insurance Company,
Defendant-Appellant,

K.J.S. Construction Inc., et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 18, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 28, 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 City of New York,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-2956
Index No. 404661/06

Antonia C. Novello, as Commissioner
of the New York State Department of
Health, and the New York State
Department of Health,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 9, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging 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 28, 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

Matthew Niko M., also known as
Matthew M.,

M-2963
Docket No. B14851/07

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

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

Niko M.,
Respondent-Appellant.

Mark Leider, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X

Respondent-appellant father, Niko M., having moved for an enlargement of time in which to perfect the appeal taken from the order of the Family Court, New York County, entered on or about August 14, 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 28, 2009.

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

-----X
Itec, LLC,
Plaintiff-Appellant-Respondent,

-against-

Hyperion V.O.F.,
Defendant-Respondent-Appellant.

M-2661
Index No. 602246/07

-----X
Plaintiff and defendant having jointly moved for an enlargement of time in which to perfect the appeal and cross appeal from the order of the Supreme Court, New York County, entered on or about August 4, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross 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 28, 2009.

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

-----X
Alcon Builders Group, Inc.,
Plaintiff-Respondent-Appellant,

-against-

M-3087
Index No. 602584/06

U.S. Underwriters Insurance
Company,
Defendant-Respondent-Respondent,

-and-

National Union Fire Insurance
Company of Pittsburgh, PA,
Defendant-Appellant-Respondent.

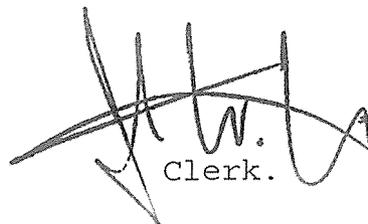
[And a third-party action]
-----X

Defendant-appellant-respondent National Union Fire Insurance Company of Pittsburgh, PA having moved for an enlargement of time of the parties in which to perfect the appeal and cross appeal from the order of the Supreme Court, New York County, entered on or about July 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 the time in which to perfect the appeal and cross appeal to the December 2009 Term.

ENTER:


Clerk.

CORRECTED ORDER AUGUST 24, 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 28, 2009.

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

-----X
In the Matter of the Application
of the Dormitory Authority of the
State of New York to acquire title
in fee to certain real property
for use in a project to expand and
consolidate

M-3016
Index No. 102934/01

John Jay College of Criminal
Justice of the City University
of New York,

- - - - -
River Center LLC,
Claimant-Appellant-Respondent,

Blackacre Bridge Capital, LLC
and SWH Funding Corp.,
Claimants-Appellants-Respondents,

Dormitory Authority of the State
of New York,
Condemnor-Respondent-Appellant.

-----X
Appeals and a cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about June 5, 2008,

And claimant-appellant-respondent River Center LLC having moved for an enlargement of time in which the parties may perfect the appeals and cross appeal pursuant to a proposed briefing schedule,

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 in which to perfect the appeals and cross appeal to the February 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
Joanne Pello,

Plaintiff-Respondent/
Respondent-Appellant,

-against-

M-3182
Index No. 107442/07

425 E. 50 Owners Corp., et al.,

Defendants-Appellants/
Appellants-Defendants.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 2, 2008, and an appeal and cross appeal having been taken from the order of said Court entered on or about October 29, 2008, and said direct appeals having been consolidated by the order of this Court, entered on February 26, 2009 (M-460),

And Frederic B. Goodman, Esq., of Marin Goodman, LLP, having moved for an order relieving movant as counsel for defendants-appellants, and for an enlargement of time in which defendants-appellants may perfect the aforesaid consolidated direct appeals,

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

It is ordered that the motion is granted to the extent that Marin Goodman, LLP., is relieved as counsel on the appeal and appellants' time in which to perfect the appeals is granted to the December 2009 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeals may be entered ex parte provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof. Should direct appellants fail to so perfect, plaintiff may perfect her cross appeal as direct appellant for the next available Term of Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
The Capitol at Chelsea,

Plaintiff,

-against-

M-2806

Index No. 110291/07

AMC Mechanical Services, Inc.,

Defendant.
-----X

A purported appeal having been taken from the judgment of the Supreme Court, New York County, entered on default on or about June 12, 2008,

And an order of this Court having been entered on May 14, 2009 (M-1752) dismissing said appeal as taken from an nonappealable order (CPLR 5511),

And defendant having moved for reargument of the aforesaid order of this Court,

Now, upon reading and filing the papers with respect to the motion, including the opposition papers of plaintiff, dated June 29, 2009, requesting sanctions, and due deliberation having been had thereon,

It is ordered the motion is denied. Plaintiff's request for sanctions 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 28, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta, Justices.

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

-against-

Karim Duval,
Defendant-Appellant.

M-2002
Ind. Nos. 1497/94
990/94

-----X

A decision and order of this Court having been entered on April 6, 1999 (Appeal Nos. 702-702A) unanimously affirming the judgments of the Supreme Court, Bronx County (Richard Price, J.), rendered on or about February 27, 1996 and March 7, 1996, respectively,

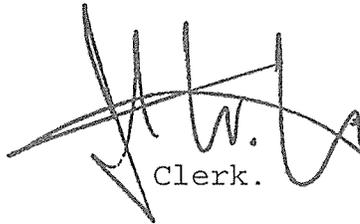
And an order of this Court having been entered on July 10, 2003 (M-1284), denying defendant's motion, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

And defendant having moved for an order granting reargument of the aforesaid order (M-1284),

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 28, 2009.

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

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

Respondent,

-against-

M-2819
Ind. No. 366/02

Robert Nazario,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2006,

And defendant-appellant having moved for the unsealing of a certain trial exhibit, 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 to the extent of directing the Clerk of Supreme Court, Bronx County, to deliver Court Exhibit #2 from the action *People v Robert Nazario*, Bronx County Indictment No. 366/02, to the Exhibit Clerk of this Court, Under Seal, for an in camera review by this Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2009.

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

-----X
James Post,
Plaintiff-Appellant,

-against-

M-3022
Index No. 100008/08

Todd Killian, William Craig, Albert
Aflalo, Raphael Sassouni, 338 West
19th Street Incorporated and All
Area Property Management,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of all proceedings herein, including foreclosure, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 3, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-939
Ind. No. 4732/05

-against-

CERTIFICATE
DENYING LEAVE

Sidney Purdie,
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the Order of the Supreme Court, New York County,
entered on or about January 28, 2009, is hereby denied.

Dated: New York, New York
July 15, 2009



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

JUL 28 2009

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-1426
Ind. No. 7939/02

-against-

CERTIFICATE
DENYING LEAVE

Robert McGraw,
Defendant,

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about February 11, 2009, is hereby denied.

Dated: New York, New York
July 15, 2009



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

JUL 28 2009

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-2350
Ind. No. 884/03

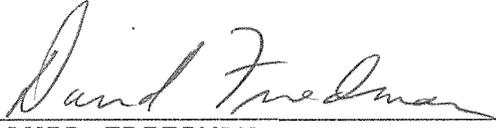
-against-

CERTIFICATE
DENYING LEAVE

Orlando Rodriguez,
Defendant,
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the Order of the Supreme Court, New York County,
entered on or about February 28, 2008, is hereby denied.

Dated: New York, New York
July 15, 2009



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

JUL 28 2009

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-2779
Ind. No. 690/05

-against-

CERTIFICATE
GRANTING LEAVE

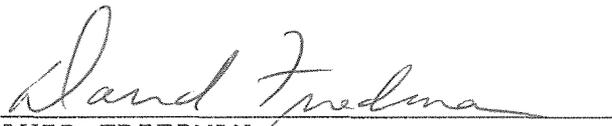
Rudy Fleming,
Defendant-Appellant.

-----X
I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, New York County, entered on or about May 26, 2009.¹

Dated: New York, New York
July 15, 2009

ENTERED

JUL 28 2009



DAVID FRIEDMAN
Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. David Friedman
Justice of the Appellate Division

-----X
In the Matter of

Alexander B.,

M-1865A

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

Docket No. B-5090/07

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

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

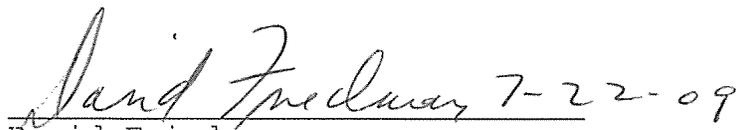
- - - - -
Ruth Ann Litsky, Esq.,
Law Guardian for the Child.

-----X
Respondent-appellant mother having moved for a stay of the
order of the Family Court, Bronx County, entered on or about
March 12, 2009, pending hearing and determination of the appeal
taken therefrom,

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

It is ordered that the motion is denied.

Dated: New York, New York



David Friedman
Associate Justice

Entered: JUL 28 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-2594
Ind. No. 8911/92

-against-

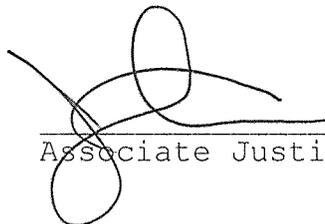
CERTIFICATE
DENYING LEAVE

Terry Owens,

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 April 27, 2009, is hereby denied.



Associate Justice

Dated: July 10, 2009
New York, New York

ENTERED: JUL 28 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-2634
Ind. No. 594/03

-against-

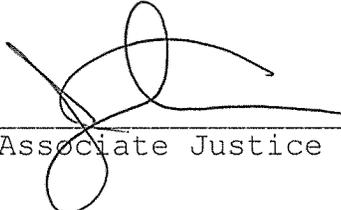
CERTIFICATE
DENYING LEAVE

Ramon Caba,

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 19, 2009, is hereby denied.



Associate Justice

Dated: July 10, 2009
New York, New York

ENTERED: JUL 28 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,

Respondent,

-against-

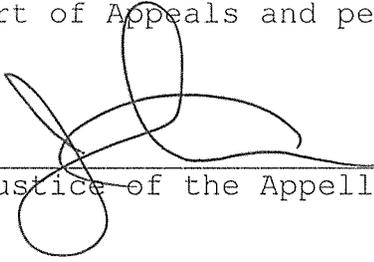
Anthony Guardino,
Defendant-Appellant.

M-2741
Ind. No.3491/04

CERTIFICATE
GRANTING LEAVE

-----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 10, 2009
New York, New York

ENTERED: **JUL 28 2009**

*Description of order:

Supreme Court, New York County, entered on February 6, 2007,
affirmed by App. Div., 1st Dept., on May 21, 2009.

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.

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 28, 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 Guardianship of
the Person and Custody of

Precious W., also known as
Precious Ebony W.,

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

M-2842
Docket No. B30104/06

- - - - -
Family Support Systems Unlimited, Inc.,
Petitioner-Respondent,

Carol R.,
Respondent-Appellant.

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

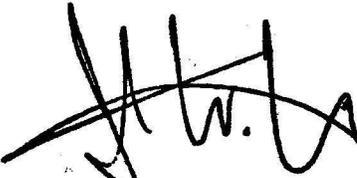
-----x

Petitioner-respondent agency having moved for dismissal of the appeal from the order of the Family Court, Bronx County, entered on or about May 30, 2008, for failure to prosecute,

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-3052, decided simultaneously herewith.)

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 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 Guardianship of
the Person and Custody of

Precious W., also known as
Precious Ebony W.,

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

M-3052
Docket No. B30104/06

Family Support Systems Unlimited, Inc.,
Petitioner-Respondent,

Carol R.,
Respondent-Appellant.

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

-----x

Respondent-appellant mother having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, Bronx County, entered on or about May 30, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before October 5, 2009 for the December 2009 Term. (See M-2842, decided simultaneously herewith.)

ENTER:


Clerk