

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

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

-----X
Waste2Energy, Inc.,
Plaintiff-Appellant,

-against-

M-2228X
Index No. 601970/08

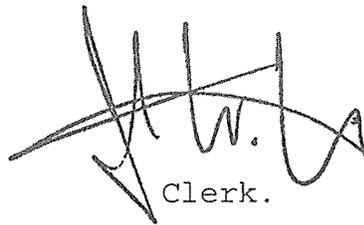
Thomas L. Dutcher,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 7, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 7, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Cari Weisberger,
Plaintiff-Respondent,

-against-

M-2229X
Index No. 115458/07

Gary A. Rubinstein,
Defendant.

Gary A. Rubinstein,
Third-Party Plaintiff-Appellant,

-against-

Index No. 530358/08

Aaron C. Depass, Esq., et al.
Third-Party Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 8, 2009 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 6, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Joseph Mercorella,
Plaintiff-Respondent,

-against-

M-2230X
Index No. 118824/06

Manmall, LLC, et al.,
Defendants-Appellants,

Cirocco & Ozzimo, Inc., et al.,
Defendants.

(And a third-party action)

Index No. 590676/07

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2008 (mot. seq. nos. 002, 003, 005 and 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 6, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

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

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

-----X
Broadway-Leonard Development, LLC,
Plaintiff-Appellant/Respondent-
Appellant,

-against-

M-2238X
Index No. 104337/07

Albert Russo, et al.,
Defendants-Respondents/Appellants-
Respondents.

-----X

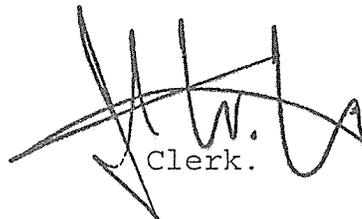
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 16, 2007,

And an appeal and cross appeal having been taken from the order of said Court entered on or about January 10, 2008,

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

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 May 21, 2009.

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

-----X
Jeffrey Fernandez,
Plaintiff-Respondent,

-against-

Riverdale Terrace, Riverdale Terrace
Fund Company, Inc., and Action Chutes,
Inc.,

Defendants-Respondents,

-and-

M-2274
Index No. 28192/02

Wilkinson Hi-Rise, LLC,
Defendant-Appellant,

-and-

Hi-Rise Recycling Systems, Inc.,
Gotham Construction Company, LLC
and IDC Systems, Inc.,
Defendants.

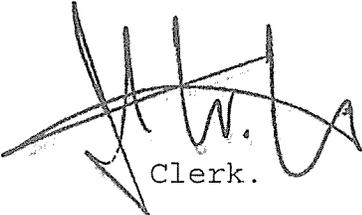
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated May 8, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

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

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

-----X
Big Apple Visual Group, doing business
as Big Apple Sign Corp. and Khalfan
Realty, Inc.,
Plaintiffs-Respondents,

-against-

St. Paul Travelers,
Defendant-Appellant,

Jimmy Velez and Rocio Velez,
Defendants.

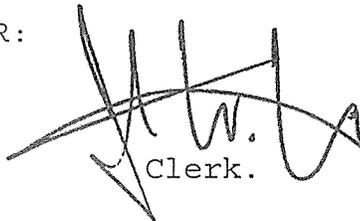
M-1891
M-2351
Index No. 108165/06

-----X
Defendant-appellant St. Paul Travelers Indemnity Company,
sued herein as St. Paul Travelers having moved for a stay of the
trial pending hearing and determination of the appeal taken from
the order of the Supreme Court, New York County, entered on or
about July 7, 2008,

Now, upon reading and filing the papers with respect to the
motions, the correspondence from appellant's counsel Nancy D.
Kreiker, Esq., dated May 5, 2009, and the stipulation of the
parties dated May 13, 2009, and due deliberation having been had
thereon,

It is ordered that the motions are 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 May 21, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Sheila Abdus-Salaam, Justices.

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

-against-

M-1920
Case No. 62704C/06

Marsha D. Sibblies,
Defendant-Appellant.

-----X

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

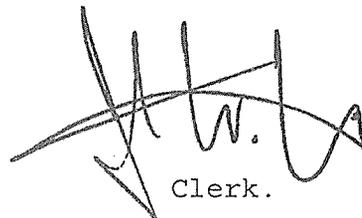
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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 May 21, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Shelia Abdus-Salaam, Justices.

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

-against-

M-1923
Ind. No. 3108/06

Emanuel Sandoval,
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 March 25, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:


Clerk.

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

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

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

-against- M-1921
Ind. No. 2977/08

Ariel Olivier,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 10, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

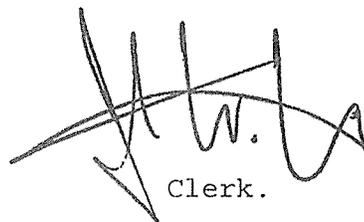
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk.

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

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

-----X
Theresa Tuitt,

Plaintiff-Respondent,

-against-

M-5511
Index No. 21232/05

Temple Emanuel at Parkchester,

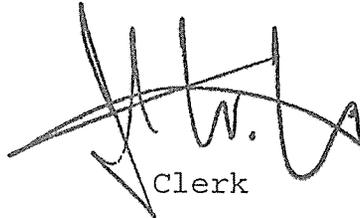
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about October 22, 2008,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties filed May 8, 2008, and due deliberation having been had thereon,

It is ordered that the motion and the appeal are deemed withdrawn, the underlying action having been settled.

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 May 21, 2009.

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

-----X
In the Matter of

Christy C., Jaleek T. and Shalick T.,

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

M-1114A
Docket Nos. NN26073/07
NN26074/07
NN26075/07

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

Jeffrey C.,
Respondent-Appellant.

Melinda Oliver, Esq.,
Law Guardian for the Children.

-----X

Melinda Oliver, Esq., Law Guardian for the children having moved for the assignment of counsel and for leave to respond as a poor person to the appeal taken by respondent-appellant father from the order of the Family Court, Bronx County, entered on or about November 19, 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, with leave to renew should the appeal be perfected. The order of this Court entered on April 21, 2009 (M-1114), 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 May 21, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

-----X
Continental Casualty Company, et al.,
Plaintiffs-Appellants-Respondents,

-against-

Employers Insurance Company of
Wausau, et al.,
Defendants-Respondents-Appellants,

M-466
Index No. 601037/03

Michael O'Reilly, etc., et al.,
Defendants-Respondents,

Robert A. Keasbey Company, etc.,
Defendant.

- - - - -
The Travelers Indemnity Company,
Amicus Curiae.

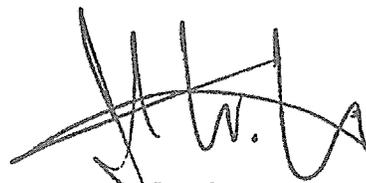
-----X

Defendants-respondents-appellants Employers Liability Assurance Company, now known as OneBeacon America Insurance Company 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 December 30, 2008 (Appeal No. 2441 [M-6192]),

Now, upon 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 May 21, 2009.

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

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

-against-

M-1792
Ind. No. 6490/97

Anthony Jackson,
Defendant-Appellant.

-----X

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

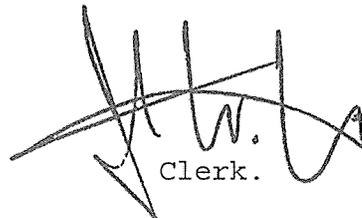
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

E N T E R:


Clerk.

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

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

-----X
Arlene Lado and Hector Niz,
Plaintiffs,

-against-

M-1249
Index No. 16625/04

Sylvia Wardaszka and Chase Manhattan
Auto Finance Corp.,
Defendants.

-----X
Robert V. Kaminsky, LLC,
Non-Party Appellant-Respondent,

-against-

Fink & Platz,
Non-Party Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 11, 2008,

And non-party appellant-respondent Robert Kaminsky, outgoing attorney for plaintiff, having moved for leave to enlarge the joint record on appeal to include a certain reply affirmation dated November 28, 2007 and the exhibits annexed thereto, and for an enlargement of time of the respective parties in which to perfect the appeal and cross appeal,

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

It is ordered that the motion is granted without prejudice to non-party respondent-appellant addressing the issue of the propriety of the inclusion of the aforesaid document in the response to the direct appeal and to enlarge the time of the respective parties in which to perfect the appeal and cross appeal to the September 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 May 21, 2009.

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

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

-against-

Tony Morten, also known as
Tony Morton,
Defendant-Appellant.

M-1766
Ind. Nos. 3181/06
3081/07
2797/07

-----X
An order of this Court having been entered on December 4, 2008 (M-5269) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 3, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

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 May 21, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
In re Michael Brooke Webster,
Petitioner-Appellant,

-against-

M-1436
Index No. 107302/06

Police Department of the City
of New York, et al.,
Respondents-Respondents.

-----X

Respondents-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 February 24, 2009 (Appeal No. 5321),

Now, upon 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 May 21, 2009.

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

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

-against-

M-1181
Index No. 121848/99

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

- - - -

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

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

[And Another Action]

-----X

Plaintiff-Appellant-respondent having moved for reargument of the decision and order of this Court entered on February 10, 2009 (Appeal No. 5211N),

Now, upon 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 May 21, 2009.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
John W. Sweeny, Jr., Justices.

-----X
Ruby Emanuel, etc.,
Plaintiff,

-against-

M-1844
Index No. 1437/06

Sheridan Transportation Corp., et al.,
Defendants.

- - - - -

Kenneth Heller,
Appellant,

-against-

Jacoby & Meyers, LLP,
Respondent.

-----X

A decision and order of this Court having been entered on January 29, 2009 (Appeal Nos. 5143N, 5143NA and 5143NB [6073]), unanimously affirming the orders of the Supreme Court, Bronx County, entered on or about January 26, 2007, March 9, 2007 and April 26, 2007,

And order of this Court having been entered on May 5, 2009 (M-156), inter alia, denying appellant's motion for reversal and vacatur of the aforesaid orders of Supreme Court, Bronx County, and for related relief,

And appellant Kenneth Heller having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the order of this Court entered on March 5, 2009 (M-156), 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.

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 May 21, 2009.

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

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

-against-

M-1894
Ind. No. 1214/03

Jose Vaello,
Defendant-Appellant.

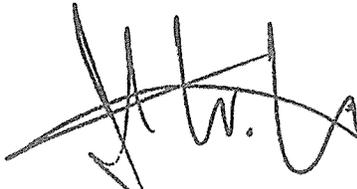
-----X

An order of this Court having been entered on March 17, 2009 (M-883) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 28, 2009, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

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 May 21, 2009.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

A.O. Textile Inc.,
Plaintiff-Appellant,

-against-

M-467
Index No. 119256/06

SEP Plus Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on December 23, 2008 (Appeal No. 4901),

Now, upon 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 May 21, 2009.

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

-----X

Tai Ping Chen,
Plaintiff,

-against-

M-1983
Index No. 108596/03

Citibank, et al.,
Defendants.

-----X

An order of this Court having been entered on January 8, 2009 [M-5630], inter alia, denying plaintiff's motion for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about August 13, 2007, and sua sponte, dismissing the aforesaid appeal,

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

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

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

It is ordered that the motion is denied.

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 May 21, 2009.

PRESENT - Hon. James M. Catterson, Justice Presiding,
James M. McGuire
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Eugene Tenenbaum,
Plaintiff,

-against-

State Commissioner of Housing and
Community Renewal,
Defendant.

M-1908

-----X

Plaintiff having moved for leave to prosecute, as a poor person, the purported appeal taken from the order of the Supreme Court, New York County, entered on or about March 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, sua sponte, the purported appeal is dismissed on the ground that no direct appeal lies to this Court from an order of the Commissioner of Housing and Community Renewal, and the motion is denied as academic.

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 May 21, 2009.

Present: Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Shelia Abdus-Salaam, Justices.

-----X
Gloria Mungin and Benjamin Henderson,
Plaintiffs-Appellants,

-against-

M-1740 & M-1849
Index No. 113824/03

Pepe-Fareri One, LLC and Green Grass
Landscaping and Contracting, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, both entered on or about June 5, 2007 (mot. seq nos. 002 and 003),

And defendant-respondent, Green Grass Landscaping and Contracting, Inc., having moved for dismissal of the aforesaid appeal (M-1740),

And defendant-respondent, Pepe-Fareri One, LLC, having moved for the same relief (M-1849),

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

It is ordered that the motions are granted 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 May 21, 2009.

Present: Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Shelia Abdus-Salaam, Justices.

-----X
The People of the State of New York
ex rel. Lawrence Parker,
Petitioner-Appellant,

-against-

M-1838
Index No. 340863/08

Warden, Rikers Island, et al.,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, entered on or about November 5, 2008, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

ENTER:


Clerk.

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

PRESENT - Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
360 West 11th Street LLC and
360 Development Corp.,
Plaintiffs-Respondents,

-against-

M-1903
Index No. 600141/07

ACG Credit Company II, LLC,
Defendant-Appellant.

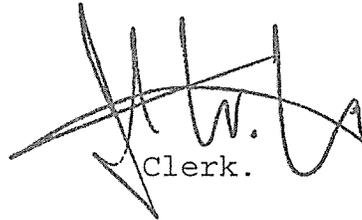
-----X
[and other actions]
-----X

Defendant-appellant ACG Finance Company, LLC (in its own capacity and as successor in interest to ACG Credit Company II, LLC) having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about June 30, 2008 (mot. seq. no. 004),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the September 2009 Term, with no further enlargements to be granted.

E N T E R:


Clerk.

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

PRESENT: Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Shiela Abdus-Salaam, Justices.

-----X

In the Matter of

Martin J. Golden, Serphin R. Malteses,
James N. Tedisco, Daniel J. Burling,
Brian M. Kolb, Michael R. Long,
Shaun Marie Levine, Duane Motley,
Jason McGuire, Stephen P. Hayford,
William C. Banuchi, Sr., Angel D.
Rodriguez, Piyali Dutta, William
Carlson, Nicole Carlson, Frances
Vella-Marrone, Michael J. Fitzpatrick
and Michael W. Cole,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1889
Index No.260148/08

David A. Paterson, in his official
capacity as Governor of the State of
New York,
Respondent-Respondent,

Peri Rainbow and Tamela Sloan,
Respondents-Intervenors-Respondents.

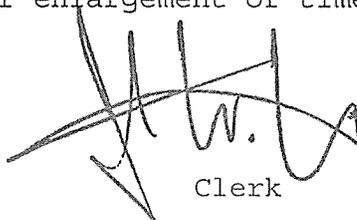
-----X

Petitioners having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about September 2, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term without prejudice to seeking further enlargement of time if necessary.

ENTER:



Clerk

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

Present: Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Shelia Abdus-Salaam, Justices.

-----X
Dionne Emmitt,
Plaintiff-Appellant,

-against-

M-1831
Index No. 7704/00

The City of New York,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 4, 2008,

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

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

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

ENTER:


Clerk.

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

PRESENT - Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Faiz Muhammed,
Plaintiff-Respondent,

-against-

M-1732
Index No. 101072/04

Mainco Elevator Company,
Defendant-Appellant,

-and-

Archdiocese of New York, et al.,
Defendants.

-----X

An appeal having been taken by defendant-appellant from the order of the Supreme Court, New York County, entered on or about July 22, 2008, and said appeal having been perfected,

And plaintiff-respondent having moved for an order to supplement the appendix filed by defendant-appellant Mainco Elevator Company, and for related relief,

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

Ordered that the motion is denied, without prejudice to plaintiff filing a supplemental appendix.

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 May 21, 2009.

Present - Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
333 East 43 Owners Corp.,
Petitioner-Landlord-Appellant,

-against-

M-1907
Index No. 570531/08

Nuala J. Boylan,
Respondent-Tenant-Respondent,
-----X

Petitioner-landlord-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 24, 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.

E N T E R:


Clerk.

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 May 21, 2009.

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

-----X
National Fire Insurance Company of
Hartford, as successor by merger to
Transcontinental Insurance Company,
Continental Insurance Company, as
successor-in-interest to certain
policies issued by Harbor Insurance
Company,
Plaintiffs,

-against-

M-2065
Index No. 105522/08

Travelers Casualty and Surety Company,
formerly The Aetna Casualty and
Surety Company, et al.,
Defendants,

Metex Mfg. Corporation,
Defendant-Cross Claim
Plaintiff-Respondent,

-against-

Liberty Mutual Insurance Company,
Defendant-Cross Claim
Defendant-Appellant.

-----X

Defendant-cross claim defendant-appellant Liberty Mutual Insurance Company 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 April 8, 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 May 21, 2009.

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

-----X
Eran Shachaf,
Plaintiff,

-against-

M-2366
Index No. 312973/02

Grainne O'Flynn,
Defendant.

-----X

Defendant having moved, pursuant to CPLR 5704(a), for a stay of trial, said relief having been denied by a Justice of the Supreme Court, New York County, on or about May 11, 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 stay of trial is granted until such time as the matter is returned before Supreme Court on or before May 26, 2009.

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 May 21, 2009.

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

-----X
Dimitri Nurseries, Inc.,
Plaintiff,

-against-

M-2223
Index No. 303330/09

GLS Real Estate Co., LLC.,
Defendant.
-----X

An order of a Justice of this Court dated May 7, 2009 having vacated a temporary restraining order issued by Supreme Court, Bronx County, dated April 29, 2009,

And plaintiff having submitted an affirmation of counsel in opposition to the vacatur of the temporary restraining order in the nature of reargument,

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

Ordered that the application for reinstatement of the temporary restraining order 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 May 21, 2009.

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

-----X
Carol Klenfner,
Plaintiff,

-against-

Michael Klenfner,
Defendant.

M-2376
Index No. 350053/09

-----X

Plaintiff having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about May 11, 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.

E N T E R:


Clerk.