

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Ramin Mostafavi, M.D.,

Petitioner-Appellant,

-against-

M-5778X
Index No. 601748/09

Eye Physicians and Surgeons of
New York, PLLC,

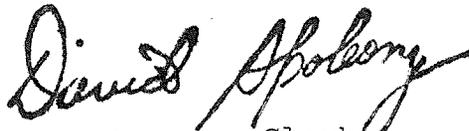
Respondent-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 3, 2009 (mot. seq. no. 001),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
In the Matter of

Begine W.K.,

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

M-5706
Docket No. N5080/07

Administration for Children's
Services,
Petitioner-Respondent,

Judith K.,
Respondent-Appellant.

Louise Feld, Esq.,
Law Guardian for the Child.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about April 2, 2009, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated December 9, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Emily Ng and Joseph Wu

Plaintiffs-Appellants,

-against-

M-5739X
Index No. 400534/07

New York City Transit Authority,
et al.,

Defendants-Respondents
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 10, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 18, 2009, and due deliberation having been had thereon,

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Plaza Penthouse LLP,

Plaintiff-Respondent,

-against-

M-5740X
Index No. 100084/09

CPS 1 Realty L.P., et al.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 17, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 18, 2009, and due deliberation having been had thereon,

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

ENTER:


DAVID APOLONY
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Metropolitan Capital Funding, LLC,

Plaintiff-Appellant,

-against-

M-5741X
Index No. 603959/07

Nomura Credit & Capital, Inc.,

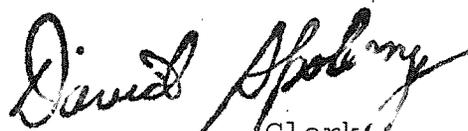
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 13, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 16, 2009, and due deliberation having been had thereon,

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
High Tech Enterprises & Electrical
Services of NY, Inc.,

Plaintiff-Appellant,

-against-

M-5742X
Index No. 601176/08

Expert Electrical, Inc. and Arch,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 6, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 16, 2009, and due deliberation having been had thereon,

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Steven M. Alevy, doing business as
Bankers Capital Realty Advisors,

Plaintiff-Appellant,

-against-

M-5768X
Index No. 601934/06

Isaac Uminer, et al.,

Defendants-Respondents.
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about March 17, 2009 (mot. seq. no. 005) and on or about October 29, 2009 (mot. seq. no. 007), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2009, and due deliberation having been had thereon,

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Anna D. Colon,

Plaintiff-Respondent,

-against-

M-5769X
Index No. 15499/07

Jose M. Guerra and Juan Guerra,

Defendants,

-and-

Verizon, Inc.,

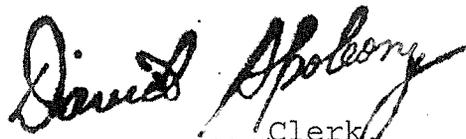
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 2, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk,
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Norry Lynch,
Plaintiff-Respondent,

-against-

M-5770X
Index No. 108527/08

88 Washington Place Condominium,
Defendant-Appellant,

Ciao-Di Restaurant Corporation,
Defendant.

-----X
88 Washington Place Condominium,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 590318/09

Paxton 350, et al.,
Third-Party Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 1, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2009, and due deliberation having been had thereon,

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

ENTER:

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Steve Bauman,

Plaintiff-Appellant,

-against-

M-5771X
Index No. 309150/07

Eugenie Tartell,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 24, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.
DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Primedia, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-5777X
Index No. 602572/06

SBI USA LLC,

Defendant,

Shelly Singhal and Michael Friedl,

Non-Party Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 8, 2009 (mot. seq. no. 010),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2009, and due deliberation having been had thereon,

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Gail Ludlum,

Plaintiff-Respondent,

-against-

M-5826X
Index No. 114349/07

Boaz J. Lissauer, M.D.,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 2, 2009,

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

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

ENTER:


DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
In the Matter of

The S. and D. Children,

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

M-4945
M-3967
Docket No. NN17317/09
NN17318/09
NN17319/09
NN17320/09

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

Kevin S.,
Respondent-Appellant,

Alma S.,
Respondent.

- - - - -
Linda McCarthy, Esq.,
Law Guardian for the D., Child,
Michael Greifinger, Esq. and Ian
Tarasuk, Esq., Law Guardians for the
S. Children.

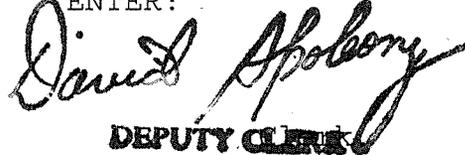
-----X

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

And respondent-appellant father having moved for poor person relief and the assignment of counsel with respect to the aforesaid appeal (M-4945), and for a stay, pending hearing and determination of said appeal (M-3967),

Now, upon reading and filing the papers with respect to the motions, and the correspondence from The Bronx Defenders (Emma Kettingham, of counsel), dated October 1, 2009, and due deliberation having been had thereon, it is

Ordered that the motions and appeal are deemed withdrawn, in compliance with the aforesaid correspondence.

ENTER:

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X
Jonathan R. Steinberg,

Plaintiff-Appellant,

-against-

M-5107
Index No. 114728/99

Queens Import Motors, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 25, 2008 (mot. seq. no. 010),

And an order of this Court having been entered on January 22, 2009 (M-5689), denying plaintiff-appellant a stay of all proceedings in said Supreme Court including an attorney fee hearing, and vacating the interim relief previously granted plaintiff-appellant by an order of a Justice of this Court, dated November 28, 2008,

And plaintiff-appellant having moved for renewal of the aforesaid order of this Court entered on January 22, 2009 (M-5689) and to stay said attorney fee hearing, pending hearing and determination of the aforesaid appeal,

And defendants-respondents having requested in their opposition papers for the dismissal of plaintiff's appeal,

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

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-5338
Ind. No. 1948/06

Bledar Haxhia,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 23, 2009, for leave to have the appeal heard upon the original record and 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.

Sam Braverman, Esq., 901 Sheridan Avenue, Suite 201, Bronx, NY 10451, Telephone No. (718) 293-1977, 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
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

-against-

M-5546
Ind. No. 3234/01

Denny Diaz,
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 September 2, 2008, 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.

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Barbara Ann Stanislav,
Plaintiff-Appellant,

-against-

M-5567
Index No. 101049/08

William J. Papp, Jr. and
Nancy Axelrod-Lamb,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 10, 2009 (mot. seq. no. 002), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for assignment of 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 denied.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
The People of the State of New York
ex rel. V. Marika Meis, Esq., on
behalf of Shaun McManus,
Petitioner-Appellant,

M-5346
Ind. No. 891/09
Index No. 252377/09

-against-

Martin F. Horn, Commissioner of the
New York City Department of Corrections,
etc.,
Respondent-Respondent.

-----X
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 23, 2009, which denied petitioner's writ of habeas corpus petition,

And petitioner-appellant having moved for an expedited appeal, and for alternative bail,

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 directing the Clerk to calendar the appeal for hearing on the first day of the Term for which appellant perfects the appeal, with no adjournment thereof. The motion is otherwise denied.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
David Friedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-5334
Ind. No. 586/07

Scott Liden,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 30, 2009 (M-2394) assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about April 25, 2007; and a motion having been made to relieve such counsel, and for other relief,

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

It is ordered that the motion is denied.

ENTER:

David Apollony
Clerk
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Benjamin L. Anderson, a Shareholder
of Livonia Avon & Lakeville Railroad
Corporation,

Plaintiff-Appellant,

M-5421
Action No. 1
Index No. 600126/09

-against-

Carl P. Belke, et al.,
Defendants-Respondents.

-----X
Benjamin L. Anderson, a Shareholder
of Livonia Avon & Lakeville Railroad
Corporation,

Plaintiff-Appellant,

Action No. 2
Index No. 602210/08

-against-

Eugene H. Blabey II, et al.,
Defendants-Respondents.

-----X

An appeal having been taken (under Index No. 600126/09) from three orders of the Supreme Court, New York County, entered on or about July 24, 2009, July 27, 2009 and July 24, 2009, respectively, (mot. seq. nos. 001, 002 and 003); and an appeal having been taken (under Index No. 602210/08) from three orders of the Supreme Court, New York County, all entered on or about July 27, 2009 (mot. seq. nos. 001, 002 and 003)

And plaintiff having moved for an enlargement of time in which to perfect the aforesaid appeals, and for a continuation of the stay of all proceedings, including a change of venue, granted by the order of this Court, entered on November 10, 2009 (M-4668/M-4669), pending hearing and determination of the 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 on condition that the appeals are perfected on or before February 22, 2010 for the May 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:


DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Margaret Condzal,
Plaintiff-Respondent,

-against-

Paul F. Condzal,
Defendant-Appellant.

M-5445
Index No. 350513/04

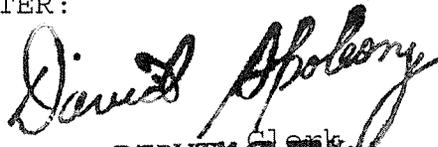
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 8, 2008 (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 granted to the extent of enlarging the time in which to perfect the appeal to the May 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Matthew Silberzweig,

Petitioner-Respondent,

For a Judgment, etc.,

-against-

M-5652
Index No. 105107/08

John J. Doherty, as Commissioner
of the Department of Sanitation of
the City of New York and the City
of New York,

Respondents-Appellants.
-----X

Respondents-appellants 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 February 26, 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 granted to the extent of enlarging the time in which to perfect the appeal to the May 2010 Term.

ENTER:


Clerk
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Centennial Insurance Company,
Plaintiff-Appellant/Appellant M-5624
Respondent, M-5514
-against- Index No. 603713/04

Tadco Construction Corp. and Frank DeMartino,
Defendants-Respondents/Respondent-Appellant,

D & D Mason Contractors, Inc., et al.,
Defendants-Respondents.

-----X
(And a Third-Party Action)
-----X

Appeals having been taken by plaintiff Centennial Insurance Company from the orders of the Supreme Court, New York County, entered on or about March 16, 2007 [mot. seq. no. 009], on or about September 4, 2007 [mot. seq. no. 011] and on or about October 10, 2008 [mot. seq. no. 013], respectively,

And defendants, Tadco Construction Corp. and Frank DeMartino, having taken an appeal from the order of reference of said Supreme Court entered on or about July 23, 2008; and having taken a cross appeal from the order of said Court entered on or about October 10, 2008, and from the judgment entered thereon on or about October 14, 2008, respectively,

And the aforesaid appeals and cross appeal having been consolidated by the order of this Court, entered on October 15, 2009 (M-3782/M-3783/M-3784/M-3977),

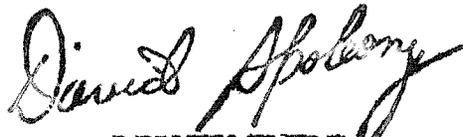
And defendants having moved for an enlargement of time in which to perfect their appeals (M-5624),

And plaintiff having moved for an enlargement of time in which to perfect their appeal and cross appeal (M-5514),

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect all of the appeals and the cross appeal to the May 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Sandra Macaluso, as Court Appointed
Administratrix for the Estate of
Blanche Baron, Deceased,
Plaintiff-Respondent,

-against-

M-5438
Index No. 91042/99

Morningside House Nursing Home
Company, Inc., et al.,
Defendants,

Carol B. Kelly, M.D.,
Defendant-Appellant.

-----X
Defendant-appellant Carol B. Kelly, M.D. having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 13, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

-against-

M-5576
Ind. No. 1078/07

Terrence Heyward,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about October 30, 2008, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before February 22, 2010 for the May 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Jennifer Cangro,

Plaintiff-Appellant,

-against-

M-5251
Index No. 114547/07

Phyllis C. Solomon,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 15, 2008,

And an order of this Court having been entered on November 12, 2009 (M-4857), striking plaintiff's appeal from this Court's December 2009 Term calendar with leave to re-perfect upon an appendix which complies with CPLR 5528 and 22 NYCRR 600.10(c),

And plaintiff having moved for an order vacating the aforesaid order of this Court entered on November 12, 2009 (M-4857) and reinstating plaintiff's appeal, and imposing 22 NYCRR 130-1 sanctions upon defendant,

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
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5285
Ind. No. 6196/08

Donald Bishop,
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 September 14, 2009 and from the order of said Court, entered on or about October 25, 2009, 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 deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 12, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels, Justices.

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

-against-

David Lance Paulin,
Defendant-Appellant.

M-5325
Ind. Nos. 3959/01
5330/01

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about November 12, 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 granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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 proceeding pursuant to Sec. 722 of the County Law. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

Malcolm G.,
Petitioner-Appellant,

M-5307
Docket Nos. V19028/05
V2667/06

-against-

Vivian G.,
Respondent-Respondent.

-----X

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

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

Ordered that the motion is denied, with leave to renew to petitioner upon submission of copies of his Federal Income Tax Returns for the years 2007 and 2008.

ENTER:

David Spolony
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels, Justices.

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

- - - - -
Damon Vincent B-D.,
Petitioner-Respondent,

-against-

M-5416
Docket Nos. V12621/08
V12621-08/09A

Dianna Antoinette P.,
Respondent-Appellant.

- - - - -
Meredith Moriarity, Esq.,
The Children's Law Center,
Law Guardian for the Child.

-----X
Respondent-appellant mother having taken an appeal from the order of the Family Court, Bronx County, (Docket No. V12621/08) entered on or about May 11, 2009,

And respondent-appellant mother having taken an appeal from the orders of said Family Court (Docket No. V12621-08/09A), entered on or about October 23, 2009 and November 13, 2009, respectively,

And an order of this Court having been entered on September 15, 2009 (M-3149), granting respondent-appellant mother poor person relief and assigning John Marafino, Esq., as counsel to prosecute the appeal (Docket No. V12621/08),

And respondent-appellant mother having now moved for leave to prosecute, as a poor person, the appeal from the orders of said Family Court, entered on or about October 23, 2009 and November 13, 2009, for the assignment of counsel **other** than John Marafino, Esq., and to consolidate all of respondent's appeals,

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

Ordered that the motion is granted to the extent of consolidating the aforesaid appeals and amending the order of assignment of this Court entered on September 15, 2009 (M-3149), to cover all of respondent-appellant mother's appeals. The motion is otherwise denied.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
Barbara Lerner,

Claimant-Appellant,

M-5774

-against-

Court of Claims
Motion No. M-73739

The State of New York,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Court of Claims of the State of New York entered on or about November 30, 2007,

And claimant-appellant having moved for an order enlarging the record on appeal to include certain letters and documents, and to subpoena certain individuals,

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:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Roselyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Maria Del Socorro Martinez,

Plaintiff-Appellant,

-against-

M-5483
Index No. 13880/06

The City of New York and 811 Walton
Tenants Corp.,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 17, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2010 Term.

ENTER:


DEPUTY CLERK
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Sallie Manzanet-Daniels, Justices.

-----x
Matty Gal-Ed, et al.,

Plaintiffs-Appellants,

-against-

153rd Street Associates, LLC., et al.,

M-5182
Index No. 106882/06

Defendants-Respondents.
-----x

Appeals having been taken to this Court by plaintiffs-appellants from orders of the Supreme Court New York County, entered on or about May 20, 2008 (mot. seq. no. 007) and on or about October 29, 2009 (mot. seq. no. 009), respectively,

And plaintiffs-appellants having moved for consolidation of the aforesaid appeals and an order adjourning the appeal from the order entered on or about May 20, 2008, previously perfected for the February 2010 Term,

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

It is ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal from the order entered on or about October 29, 2009, upon a supplemental record, for the April 2010 Term, to which Term the perfected appeal is adjourned. The Clerk is directed to calendar the consolidated appeals for hearing in said April 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Sallie Manzanet-Daniels, Justices.

-----X
Judith Klebanow,
Plaintiff-Respondent,

-against-

M-5646
Index No. 108528/08

139 East 57th Street L.L.C.
Defendant-Appellant,

Vitamin Shoppe Industries, Inc.,
Defendant.

-----X

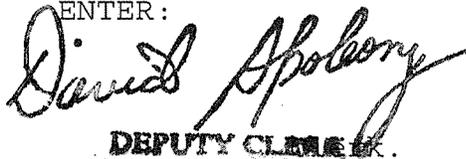
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 12, 2009 (mot. seq. no. 001),

And defendant-appellant having moved for an order staying the 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 February 1, 2010 for the April 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendant-appellant within 10 days after the date of entry hereof.

ENTER:


DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. Catterson
Rolando T. Acosta, Justices.

-----X
The Port Authority of New York and
New Jersey,
Plaintiff-Respondent,

-against-

M-4842
Index No. 400502/04

Slattery Skanska, Inc., et al.,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 17, 2009 (mot. seq. no. 005),

And plaintiff-respondent having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Conway, Farrell, Curtain & Kelly, P.C. (Elizabeth Walker, of counsel) dated November 17, 2009, and due deliberation having been had thereon, it is

Ordered that the motion and the appeal are deemed withdrawn.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Patrick Cherry,
Plaintiff-Respondent-Appellant,

-against-

M-4233

Index No. 101464/06

Time Warner, Inc., etc., et al.,
Defendants-Appellants-Respondents,

"John Doe", etc., et al.,
Defendants.

-----X

Defendants-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 18, 2009 (Appeal No. 4312),

Now, upon reading and filing the stipulation of the parties hereto, dated September 25, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn, the action having been settled.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Deryck Tonge and Sonya McNair Tonge,
Plaintiff-Respondent,

-against-

M-5343

Index No. 107326/06

98 Morningside, Inc.,
Defendant-Appellant,

"John and Jane Doe"
Defendants.

-----X

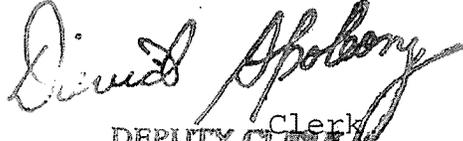
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 8, 2009,

And plaintiff-respondent having moved to dismiss 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 to dismiss the appeal is granted unless the appeal is perfected on or before February 22, 2010 for the May 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided plaintiff-respondent serves a copy of this order upon defendant-appellant within 10 days after the date of entry hereof.

ENTER:


Clerk
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Palisades Collection, L.L.C.,

Plaintiff-Respondent,

M-5484

Index No. 100931/07

-against-

Lev Zamed,

Defendant-Appellant.
-----X

Defendant-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 25, 2009 (mot. seq. no. 003), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
Mary Wallace, as Executrix for the
Estate of Kenneth Wallace and Mary
Wallace, Individually,

Plaintiffs-Respondents,

M-5810

Index No. 115189/07

-against-

York International Corporation, et al.,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, entered on or about August 31, 2009,

And Crane Co. having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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-5486
Ind. No. 3010/08

Luis Pauletta,
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 April 15, 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, 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.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Australia Collado as Administratrix
of The Estate of Kervin F. Collado
and Australia Collado, Individually,
Plaintiffs-Respondents-Respondents,

-against-

City of New York and the New York City
Department of Transportation,
Defendants-Appellants-Respondents,

-and-

Parsons Brinckerhoff Construction
Services,
Defendant-Respondent-Appellant,

New York City Department of Environmental
Protection,
Defendant.

-----X
Parsons Brinckerhoff Construction
Services, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Kiska Construction Corporation - U.S.A.,
Third-Party Defendant-Respondent.

-----X

Municipal defendants having taken an appeal in the above-captioned action(s) from three consolidated orders of the Supreme Court, New York County, entered on or about January 20, 2009,

M-5568
M-5681
Index No. 403369/06

Third-Party
Index No. 590874/06

And defendant, Parsons Brinckerhoff Construction Services, Inc., having taken a cross appeal from the aforesaid order(s) of said Supreme Court,

And plaintiffs-respondents having moved for an order dismissing municipal defendants' appeal (M-5568),

And municipal defendants having cross-moved to supplement the record on appeal, for leave to file a late notice of appeal on a certain reargument order, and for related relief (M-5681),

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

Ordered that the motion to dismiss municipal defendants' appeal is denied. The cross motion, to the extent it seeks leave to file a late notice of appeal, is denied as unnecessary. So much of the cross motion which seeks to enlarge the record on appeal is granted to the extent of permitting municipal defendants leave to file a supplemental record on appeal containing the aforementioned reargument order of the Supreme Court, New York County, entered on or about January 20, 2009 and the motion papers related thereto, on or before February 3, 2010 for the March 2010 Term, to which Term the appeal is adjourned.

ENTER


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

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

-----X
Robert Sulecki,
Plaintiff-Respondent,

-against-

M-5571
Index No. 101205/06

The City of New York, The New York
City Fire Department,
Defendants-Appellants,

M.A. Angeliades, Inc.,
Defendant-Respondent,

Pavarini McGovern, LLC, et al.,
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 2, 2009 (mot. seq. no. 006),

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 April 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Rachel Cohn,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5206
Index No. 108965/08

The Board of Education of the City
School District of the City of
New York, et al.,
Respondents-Appellants.

-----X
In the Matter of

Helen Hickey,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5268
Index No. 112353/08

New York City Department/Board of
Education,
Respondents-Appellants.

-----X

Respondents-appellants The Board of Education of the City School District of the City of New York and New York City Department/Board of Education having separately moved for an enlargement of time in which to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about February 2, 2009 and February 13, 2009, respectively,

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the appeals to the March 2010 Term. Clerk directed to calendar appeals for hearing together in said Term.

ENTER: 
DEPUTY CLERK

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M-5780
Ind. No. 3800/2006

-against-

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Luis Parada,
Defendant - Appellant.

-----x

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.

SA-S
Justice of the Appellate Division

Dated: January 5, 2010
New York, New York

ENTERED: IAN 1 2 2010

*Description of Order:

Supreme Court, New York County, entered on June 18, 2007

App. Div., First Dept., Appeal No. 695, Affd on November 19, 2009

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

PM ORDERS

ENTERED

JANUARY 7, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 7, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Alexander Breytman,

Plaintiff-Appellant,

-against-

Olinville Realty LLC, et al.,

Defendants-Respondents.
-----X

M-5715
Index No. 402940/04

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 20, 2008, and said appeal having been perfected,

And plaintiff-appellant having moved for an order striking defendants-respondents' appendix and brief, and for an extension of time in which to file an appellant's reply brief,

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

Ordered that the motion is granted only to the extent of extending appellant's time in which to serve and file a reply brief to on or before January 22, 2010, and the motion is otherwise denied, without prejudice to appellant addressing the issues in said reply brief.

ENTER:


DEPUTY CLERK
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 7, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
New York Coalition for Quality
Assisted Living, Inc.,
Plaintiff-Respondent,

-against-

M-5750
Index No. 400597/08

MFY Legal Services, Inc.,
and Coalition of Institutionalized
Aged and Disabled, Inc.,
Defendants-Appellants.

New York Lawyers for the Public
Interest and Disability Advocates,
Inc.,
Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named defendants from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 2, 2009,

And New York Lawyers for the Public Interest and Disability Advocates, Inc., having moved for leave to file a brief amicus curiae in connection with 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 and the 10 copies of amicus curiae brief submitted with the moving papers are deemed filed.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 7, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
Pupil Transportation Systems, Inc.,

Plaintiff-Respondent,

-against-

M-5512
Index No. 123850/93

The Board of Education of the City
of New York,

Defendant-Appellant.
-----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 February 10, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 1, 2010 for the April 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 7, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Garvey Rich,
Plaintiff-Respondent,

-against-

ACTION NO. 1
M-5593
Index No. 113867/07

East 10th Street Associates LLC,
formerly known as East 10th Street
Associates, 256 East 10th Street LLC,
Defendants-Respondents,

256 East 10th Street NY LLC,
Defendant-Appellant.

Christopher Scott,
Plaintiff-Respondent,

-against-

ACTION NO. 2
M-5594
Index No. 100469/08

Rockaway Pratt, LLC,
Defendant-Appellant.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 3, 2009, and said appeal having been perfected (Action No. 1),

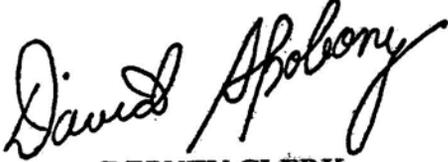
And an appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 23, 2009, and the appeal having been perfected (Action No. 2),

And non-party Community Housing Improvement Program Inc. having moved, by separate motions, for leave to file a brief and to appear amicus curiae in connection with the aforesaid appeals,

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

It is ordered that the motions are granted to the extent of directing movant to immediately file 10 copies of the brief as amicus curiae in each action forthwith. The Clerk is directed to calendar the appeals for hearing together.

ENTER:


DEPUTY CLERK