

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

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

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

-against-

M-1428
Ind. No. 1790/05

James Franklin,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 28, 2006,

Now, upon reading and filing the stipulation of the parties hereto, dated March 16, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:



Clerk.

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

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

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

-against-

M-1193
Ind. No. 2804/08

Jose Delgado,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 7, 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 April 7, 2009.

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

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

-against-

M-1194
Ind. No. 4082/07

Alex Rivera, also known as
Alexander Rivera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 21, 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 April 7, 2009.

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

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

-against-

M-1200
Ind. No. 1711/08

James Gonzalez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 2, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

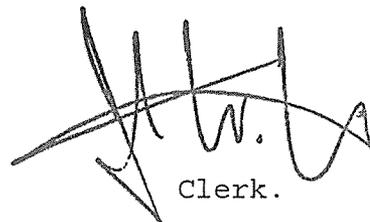
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 April 7, 2009.

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

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

-against-

M-1201
Ind. No. 3633/99

Ana Chiclana, also known as
Anna Chiclana,
Defendant-Appellant.

-----X

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

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

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

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

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 April 7, 2009.

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

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

-against-

M-1235
Ind. No. 5557/05

Linary Infante,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 13, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

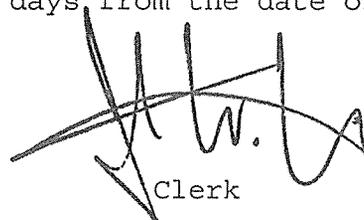
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

E N T E R:



Clerk

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

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

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

-against-

M-1240
Ind. No. 4470/08

Ysrael Acevedo,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 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 April 7, 2009.

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

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

-against-

M-1248
Ind. No. 2059/95

Keisha Saunders, also known as
Kareem Rashonda,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 21, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

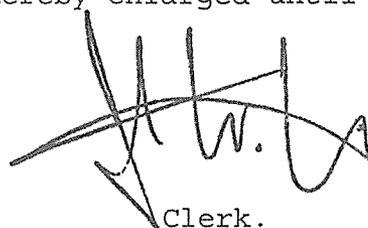
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

E N T E R:



Clerk.

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

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Eugene Nardelli, Justices.

-----X
Carlos Lopez,
Plaintiff,

-against-

M-1036
Index No. 22579/04

Post Management LLC, et al.,
Defendants.

-----X
Post Management LLC, et al.,
Third-Party Plaintiffs-Respondents,

-against-

Index No. 84852/05

Metcon Construction Corp., et al.,
Third-Party Defendants-Appellants,

Lea Electrical Corp., et al.,
Third-Party Defendants-Respondents.

-----X
[Fourth-Party Action]

Index No. 85879/07
Severed Action

-----X
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 17, 2008,

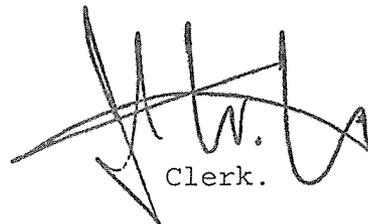
And an order of this Court having been entered on January 27, 2009 (M-5830), dismissing the aforesaid appeal,

And defendants/third-party defendants-appellants having moved for reargument of said order of this Court entered on January 27, 2009 (M-5830),

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 April 7, 2009.

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

-----X
Binyamin Rister,
Claimant-Respondent,

-against-

M-1182
Claim No. 113519

City University of New York,
Defendant-Appellant.
-----X

An appeal having been taken from the decision and order of the Court of Claims of the State of New York entered on or about April 29, 2008,

And defendant-appellant having moved to withdraw 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 appeal is withdrawn.

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 April 7, 2009.

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

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

-against-

M-1129
Ind. No. 3758/07

Michael Gilles,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 6, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

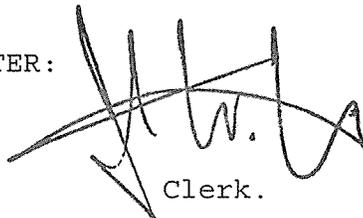
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 April 7, 2009.

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

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

Respondent,

-against-

M-1128
Ind. No. 5083/07

Dwayne Faulkner,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 18, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Lawrence M. Fisher, Esq., and to post the \$3,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

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

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

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

Respondent,

-against-

M-1127
Ind. No. 1913/08

Heath Edmead,

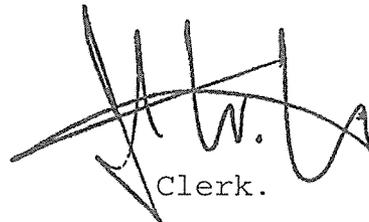
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 21, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth his indigency and the amount and sources of funds used to post the \$3,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

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

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

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

-against-

M-1124
Ind. No. 4154/08

Malcolm Clemente,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 21, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

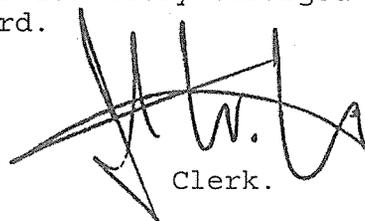
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

E N T E R:



Clerk.

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

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

-----X
In the Matter of

Joseph H., Jr.,

A Dependent Child Under the Age of 18 Years

M-1083

The Administration for Children's Services, Docket No. N24595/07
Petitioner-Respondent,

Joseph H.,
Respondent-Appellant.

Baron Edward de Rothschild Chemical
Dependency Institute, et al.,
Amici Curiae.

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about April 14, 2008, or in the alternative, an adjournment of said appeal,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the September 2009 Term. The motion is otherwise denied.

ENTER:


Clerk.

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

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

-----X
Do Gooder Productions, Inc.,
Plaintiff-Appellant,

-against-

M-1203
Index No. 604135/04

American Jewish Theatre, Inc.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about May 5, 2008 (mot. seq. nos. 004, 005 and 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 appellant's time in which to perfect the appeal to on or before July 13, 2009 for the September 2009 Term. The stay of trial granted by order of a Justice of this Court dated January 13, 2009 is continued on condition the appeal is so perfected. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

E N T E R:


Clerk.

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

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

-----x
Purvi Enterprises, LLC,
Plaintiff-Appellant,

-against-

M-1219
Index No. 601102/08

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

Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about June 4, 2008 and July 3, 2008, respectively, and said appeals having been perfected,

And plaintiff-appellant having moved for a stay of any actions by defendant-respondent City of New York, including a hearing, to revoke a certificate of occupancy issued to plaintiff-appellant with respect to property and improvements located at 3206 Emmons Avenue, Brooklyn, New York, pending hearing and determination of the aforesaid appeals, and for related relief,

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

It is ordered that the motion is granted, and the hearing before the Board of Standards and Appeals, BSA Cal. No. 83-08-A is stayed pending hearing and determination of the aforesaid appeals.

ENTER:


Clerk

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

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

-----X
319 West 48th Street Realty Corp.,
Petitioner-Landord-Respondent,

-against-

M-6101
Index No. 570329/07

Sandra Almeida,
Respondent-Tenant-Appellant,

-and-

Ray Noonan, "John Doe" and/or
"Jane Doe",
Respondents-Undertenants-Appellants.

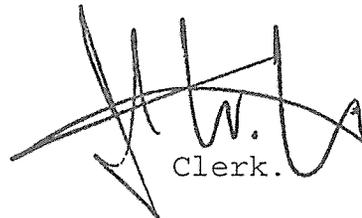
-----X

Respondent tenant 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 October 7, 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.

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 April 7, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----x
MSC Exploration, L.P.,

Petitioner-Respondent,

-against-

M-1328
Index No. 600589/09

Tyticus Energy Exploration, Inc.,

Respondent-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 12, 2009 (mot. seq. no. 001),

And respondent-appellant having moved, pursuant to CPLR 5519(c), for a stay of the order with respect to a mandatory injunction, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

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 April 7, 2009.

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

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

-against-

M-1043
Ind. No. 6101/07

Amaury Arrieta, also known as
Amauru Arrieta,
Defendant-Appellant.

-----X

Defendant having renewed the 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 July 15, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

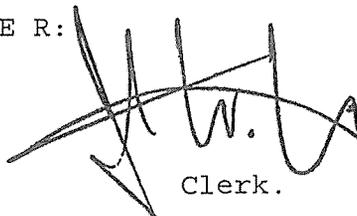
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

E N T E R:



Clerk.

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

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

-----X
Gabriel Fischbarg,
Plaintiff-Respondent,

-against-

M-1027
Index No. 101427/05

Suzanne Doucet also known as Suzanne Bell-Doucet and Only New Age Music, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, New York County, entered on or about July 16, 2008,

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

It is ordered that the motion is granted.

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 April 7, 2009.

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

-----X
In the Matter of the Application of
Stephen Null,
Petitioner,

For a Judgment under Article 78 of the M-1434
CPLR in the Nature of Prohibition, Index No. 2289/07

-against-

Hon. Ronald Zweibel, J.S.C.,
Respondent.

-----X

Petitioner having moved this Court, in the nature of a writ of prohibition, pursuant to Article 78 of the CPLR, seeking an immediate stay of proceedings with regards to his criminal trial,

Now, upon reading and filing the papers with respect to the petition, and the correspondence received from Charles F. Sanders, Esq. and Michael Siudzinski, Esq., Office of the Attorney General, dated March 5, 2009 and Notice of Mootness filed by Dennis Grossman, Esq., counsel for petitioner, dated March 10, 2009, and due deliberation having been had thereon,

It is ordered that the petition is deemed withdrawn.

ENTER:


Clerk.

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

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

-----X
Abraham Burgos,
Plaintiff-Respondent,

-against-

M-1263
Index No. 25198/05

A & Z Jewelry & Electronics, Inc.,
Defendant-Appellant,

-and-

Hempstead Heights Associates, LLC,
et al.,
Defendants.

-----X

Defendant-appellant having moved for a stay of proceedings pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about December 1, 2008,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court dated March 16, 2009, is vacated.

ENTER:


Clerk

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

PRESENT - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Terrance Malone,
Petitioner,

For a Judgment, etc.

-against- M-254
Index. No. 108250/07

Martin Horn, et al.,
Respondents.
-----X

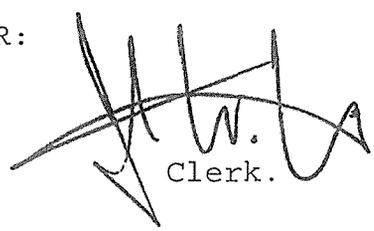
A purported appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 17, 2008 (mot. seq. no. 001),

And petitioner having moved for leave to prosecute, as a poor person, the aforesaid 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 denied, with leave to renew upon proof of when petitioner was served with the order appealed and the notice of entry, or a sworn statement that no such service was made, and proof of a timely filed or served notice of appeal as well as submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that petitioner has no funds or assets with which to prosecute the appeal, including copies of petitioner's state and federal income tax returns for the years 2006 and 2007.

ENTER:


Clerk.

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

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John T. Buckley
Dianne T. Renwick, Justices.

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

-against-

M-1125
Ind. No. 469/08

Yves Banshoshan,
Defendant-Appellant.

-----X

Defendant having renewed the 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 August 12, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

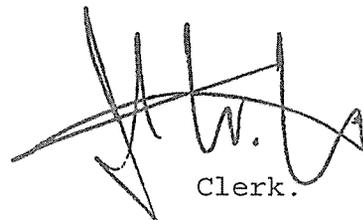
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant 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. The motion is otherwise 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 April 7, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

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

-against-

Daniel Leak,
Defendant-Appellant.

M-1135
Ind. Nos. 3021/07
2916/07

-----X

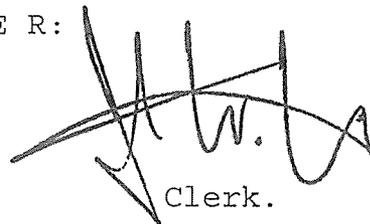
An order of this Court having been entered on November 6, 2008 (M-4484), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 19, 2007, under Indictment No. 3021/07, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the Indictment No. 2916/07,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment No. 2916/07, and the poor person relief previously granted is extended to cover same.

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 April 7, 2009.

PRESENT : Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Amran Niazi, et al.,
Plaintiffs-Appellants,

-against-

M-1077
Index No. 602614/07

JP Morgan Chase Bank,
Defendant-Respondent.

-----X

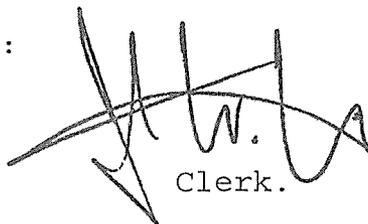
Plaintiffs-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about June 2, 2008 and January 8, 2009, respectively,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

Sua sponte, plaintiffs-appellants are directed to perfect the consolidated appeals for the September 2009 Term.

ENTER:


Clerk.

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

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Eugene Nardelli
John T. Buckley
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

-against-

M-1101
Ind. No. 1565/04

Anthony Ortega, also known as
Anthony M. Ortega,
Defendant-Appellant.

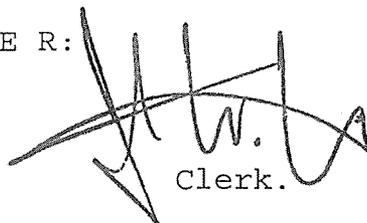
-----X

Defendant-appellant having moved for an extension of time in which to file a pro se supplemental brief in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2006, and for an enlargement of the record on appeal to include certain documents,

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 July 13, 2009 for the September 2009 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. The motion is otherwise denied.

ENTER:


Clerk.

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

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Eugene Nardelli
John T. Buckley
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

Vivie Gammons,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-1276 & M-1244
Index No. 114175/06

-against-

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

-----X

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

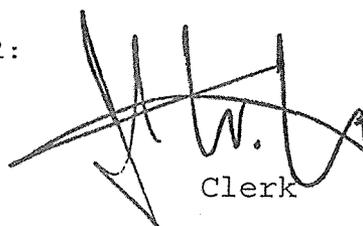
And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and a reproduced petitioner's brief (M-1276),

And respondents having cross-moved to dismiss the aforesaid proceeding (M-1244),

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 cross motion is granted and the proceeding is dismissed. The motion is denied, as academic.

ENTER:


Clerk

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

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

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

-against-

M-960
Ind. No. 5785/02

Nathaniel Syville,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 6, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 April 7, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

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

-against-

M-1079
Ind. No. 3816/01

Jerome Birth,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 25, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 April 7, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

-----X
Marlon Teruel,
Plaintiff-Respondent,

-against-

M-912
Index No. 102115/06

AMSCAN, Inc., AMSCAN Holdings, Inc.,
AAH Holdings Corporation, Bell Trucking
Company, Inc., and Theodore J. Bauer,
Defendants,

Dematic Corp., formerly known as
Siemens Dematic Corp.,
Defendants-Appellants.

-----X
Bell Trucking Company, Inc., and
Theodore J. Bauer,
Third-Party Plaintiffs,

-against-

Wildeck, Inc.,
Third-Party Defendant-Appellant.

-----X

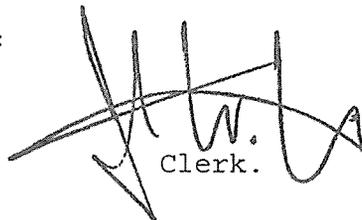
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 5, 2008,

And plaintiff having moved for dismissal of the appeal as untimely taken,

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

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

E N T E R:


Clerk.

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

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

-----X
HSBC Bank USA, etc.,

Plaintiff-Respondent,

-against-

M-826
Index No. 13039/07

Maria Rose Fiorenza,

Defendant-Appellant,

Nicole Ordine, doing business as
Ordine Contracting Company, et al.,

Defendants.
-----X

Defendant-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 April 10, 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 .. September 2009 Term.

ENTER:


Clerk.

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

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

-----X
Tirso Vincente,

Plaintiff-Appellant,

-against-

M-1047
Index No. 13204/04

Silverstein Properties, Inc.,
et al.,

Defendants-Respondents.

-----X
(And a third-party action)
-----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 May 22, 2008,

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

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

ENTER:


Clerk.

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

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

-----X
Edelfin Cintron and Ruth Cintron,
Plaintiffs-Appellants,

-against-

M-563
Index No. 118093/04

The New York City Transit Authority,
et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an order staying all proceedings in the above-entitled action pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, entered on or about January 12, 2009 (mot. seq. no. 002) and February 11, 2009 (mot. seq. no.003), respectively,

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

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

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

-----X
Kathy Pinkney,
Plaintiff-Appellant,

-against-

M-1145
Index No. 1255/06

Con-Ed, HRA, et al.,
Defendants-Respondents.

-----X

An order of this Court having been entered on February 24, 2009 (M-305), inter alia, dismissing plaintiff-appellant's appeal from the order of the Supreme Court, Bronx County, entered on or about January 14, 2008,

And plaintiff-appellant having moved in the nature of reargument of the aforesaid order (M-305),

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 April 7, 2009.

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

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

-against-

M-1005
Ind. No. 6095/06

Steven Finkelstein,
Defendant-Appellant.

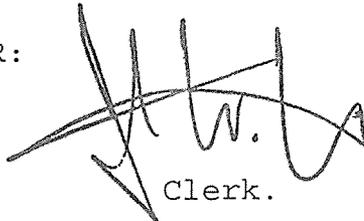
-----X

An order of this Court having been entered on November 20, 2008 (M-4968) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 22, 2008, and assigning Robert S. Dean, 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 Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, 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 April 7, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Zana Dobroshi, etc., et al.,
Plaintiffs-Respondents,

-against-

M-1065
Index No. 104034/06

Bank of America, N.A., Does 1
through 100,
Defendants-Appellants.

-----X

Defendant-appellant Bank of America, N.A. having moved for a stay of all proceedings pending hearing and determination of the appeal taken from orders of the Supreme Court, New York County, entered on or about September 24, 2008 (mot. seq. nos. 002 and 003), said appeal presently calendared to be heard in the May 2009 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.

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 April 7, 2009.

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

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

-against-

M-947
Ind. No. 4337/07

Carlos Matys,
Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about February 13, 2008, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

Ordered that the motion is granted to the extent of deeming the appeal withdrawn.

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 April 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Amy L. Roberts, et al.,
Plaintiffs-Appellants, M-1258
-against- M-1260
M-1343
Index No. 100956/07
Tishman Speyer Properties, L.P., et al.,
Defendants-Respondents.

- - - - -
Community Housing Improvement Program,
Inc., Small Property Owners of New York,
Inc., Rent Stabilization Association of
NYC, Inc., The Legal Aid Society, Office
of the Manhattan Borough President,
Amici Curiae.

-----X
Defendants-respondents Tishman Speyer Properties, L.P. and
PCV ST Owner LP having moved for leave to appeal to the Court of
Appeals from the decision and order of this Court entered on
March 5, 2009 (Appeal No. 4165) and for a stay of all proceedings
pursuant to the aforesaid decision and order pending hearing and
determination of the appeal to the Court of Appeals should leave
be granted (M-1258), and

Defendants-respondents Metropolitan Insurance and Annuity
Company, and Metropolitan Tower Life Insurance Company having
likewise moved for leave to appeal to the Court of Appeals from
the aforesaid decision and order of this Court entered on
March 5, 2009 (Appeal No. 4165) and for a stay of further
proceedings (M-1260), and

The Real Estate Board of New York having moved for leave to
appear amicus curiae on the aforesaid applications for leave to
appeal to the Court of Appeals (M-1343),

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 (M-1258 and M-1260), to the extent they seek leave to appeal to the Court of Appeals, are granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion, and it is further

Ordered that the motions (M-1258 and M-1260) to the extent they seek a stay of further proceedings pending hearing and determination of the appeal by the Court of Appeals is granted in accordance with the stipulation of the parties "so ordered" by a Justice of this Court dated March 13, 2009, and it is further

Ordered that the motion for leave to appear amicus curiae on the applications for leave to appeal to the Court of Appeals (M-1343) is granted and the affirmation and memorandum of law are deemed filed.

E N T E R:


Clerk.

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

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

-----X
In Re: New York City Asbestos
Litigation

Jamie Ames, et al.,
Plaintiffs-Respondents,

-against-

M-1491
Index No. 107574/08

A.O. Smith Water Products Co., Inc.,
et al.,
Defendants,

Robert A. Keasbey Company,
Defendant-Appellant.

-----X
(And another action)

Index No. 103592/08

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

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

Now, upon reading and filing the papers with respect to the motion, and the stipulation between the parties filed April 6, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn and the interim relief afforded appellant by order of a Justice of this Court dated March 25, 2009 is vacated.

ENTER:


Clerk.

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

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

-----X
Juan Reyes, M.D.,

Plaintiff-Respondent,

-against-

M-1435
Index No. 24634/03

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

Defendants-Appellants.
-----X

Plaintiff-respondent having moved for a stay of all proceedings pending determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 11, 2008, 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:


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 April 7, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Harvey Axelrod, doing business as
Axelrod Co.,
Plaintiff-Appellant,

-against-

M-1412
Index No. 602783/06

Magna Carta Companies, Public Service
Mutual Insurance Company and
Paramount Insurance Company,
Defendants-Respondents.
-----X

An appeal having been taken to this Court by plaintiff from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 14, 2007 (mot. seq. no. 001),

And an order of this Court having been entered on March 10, 2009 (M-737), inter alia directing plaintiff-appellant to physically delete certain pages from the record on appeal and to correct the table of contents thereof to reflect same,

And plaintiff-appellant having moved for inter alia, an order enlarging the time in which to comply with the directives of the order of this Court entered on March 10, 2009 (M-737) and for consolidation of the aforesaid appeal with that taken by plaintiff from the order of said Court entered on or about March 18, 2009, and other relief, (M-1412),

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 appellant to effect the changes to the record dictated by the order of this Court dated March 10, 2009 (M-737) within 10 days of the date of entry hereof. The motion is in all other respects 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 March 10, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----x
Harvey Axelrod, doing business as
Axelrod Co.,
Plaintiff-Appellant,

-against-

M-737
Index No. 602783/06

Magna Carta Companies, Public Service
Mutual Insurance Company and
Paramount Insurance Company,
Defendants-Respondents.
-----x

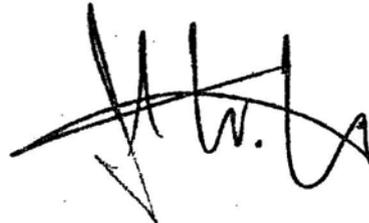
An appeal having been taken to this Court by plaintiff from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 14, 2007 (mot. seq. no. 001),

And defendants-respondents having moved for an order striking pp. 487-558 of the record on appeal and striking the concomitant portions of plaintiff's brief referring to matters dehors the record, directing plaintiff to file a new brief, and for other relief,

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

It is ordered that the motion is granted to the extent of striking pp. 487-558 from the record on appeal, and plaintiff-appellant is directed to physically delete those pages and to correct the table of contents to reflect the material excised, within 10 days after the date of entry hereof. The motion is otherwise denied.

ENTER:



Clerk

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

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Lorraine K. Sullivan and Patrick
Sullivan,
Plaintiffs-Respondents,

M-1322

-against-

Index No. 14817/97

Bruckner Plaza Associates, L.P. and
First New York Management Company,
Inc.,
Defendants-Appellants.

Bruckner Plaza Associates, L.P. and
First New York Management Company,
Inc.,
Third-Party Plaintiffs-Respondents,

-against-

Index No. 83148/02

MCG Architects, also known as McClellan,
Cruz, Gaylord & Associates,
Third-Party Defendant-Appellant.

Bruckner Plaza Associates, L.P. and
First New York Management Company,
Inc.,
Second Third-Party Plaintiffs-
Respondents,

Index No. 83573/02

-against-

York Hunter of New York, Inc.,
Second Third-Party Defendant-
Appellant-Respondent.

MCG Architects, also known as McClellan,
Cruz, Gaylord & Associates,
Third Third-Party Plaintiff-
Respondent,

-against-

Index No. 83911/04

McHenry & Associates, Inc.,
Third Third-Party Defendant-
Appellant.

- - - - -

York Hunter of New York, Inc.,
Fourth Third-Party Plaintiff,

-against-

Index No. 83976/04

Baxter Associates, Ltd. and
L&L Painting Co., Inc.,
Fourth Third-Party Defendants.

- - - - -

Bruckner Plaza Associates, L.P. and
First New York Management Company, Inc.,
Fifth Third-Party Plaintiffs-
Respondents,

-against-

Index No. 86024/07

R & L Construction Management Corp.,
Fifth Third-Party Defendant-
Appellant-Respondent.

-----x

Appeals and cross appeals having been taken to this Court
from the order of the Supreme Court, Bronx County, entered on or
about October 31, 2008,

And an order of this Court having been entered on March 10,
2009 (M-691), staying trial herein pending hearing and
determination of the appeals and cross appeals,

And plaintiff-respondent Lorraine K. Sullivan having moved
for vacatur of the stay of trial granted by the aforesaid order
of this Court,

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

It is ordered that the motion is denied.

ENTER:

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

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 April 7, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Mike Jean,

Plaintiff-Respondent,

-against-

Mohamed Kabaya and Moyoro Fall,

Defendants-Appellants.
-----X

M-1272
Index No. 17588/06

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 12, 2009,

And defendants-appellants having moved for an order staying trial, pending hearing and determination of the perfected 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.

ENTER:


Clerk.

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

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

-----X
Antonio Memmo,

Plaintiff-Appellant,

-against-

M-834
Index No. 303086/07

Elsa I. Perez,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 8, 2008,

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

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

It is ordered that the motion is denied.

ENTER:


Clerk