

THE FOLLOWING MOTION ORDERS
WERE ENTERED AND FILED ON
AUGUST 5, 2008

Lippman, P.J., Tom, Mazzairelli, Andrias, Saxe, JJ.

M-3382X Iorio v Northern Building Products, Inc.

Appeal withdrawn.

Lippman, P.J., Tom, Mazzairelli, Andrias, Saxe, JJ.

M-3385X Recarte v Triangle Developers, Inc.

Appeal withdrawn.

Lippman, P.J., Tom, Mazzairelli, Andrias, Saxe, JJ.

M-3440 Nieves v General Motors Corporation -
City of New York and New York City Police Department

Appeal and cross appeal, previously perfected for the
September 2008 Term, withdrawn.

Lippman, P.J., Andrias, Friedman, Renwick, DeGrasse, JJ.

M-3006 People v Hinton, Michael

Appeal deemed withdrawn.

Lippman, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-3267 People v Fernandez, Rafael

Motion deemed withdrawn, as indicated.

Lippman, P.J., Andrias, Friedman, Renwick, DeGrasse, JJ.

M-1870 Ferraro v The Seamen's Church Institute of New York and
New Jersey

Appeal dismissed.

Lippman, P.J., Andrias, Friedman, Renwick, DeGrasse, JJ.

M-2372 Mercedes v The City of New York
(And another actions)

Appeal dismissed.

Lippman, P.J., Andrias, Friedman, Renwick, DeGrasse, JJ.

M-2959 Voletsky v Morita - Sam Enterprises Co.

Appeal dismissed; motion otherwise denied.

Lippman, P.J., Mazzarelli, Saxe, Williams, Buckley, JJ.

M-2821 Emfore Corp. v Blimpie Associates, Ltd.

M-2989

Reargument/modification or other relief denied. Amicus
curiae brief submitted with moving papers deemed timely filed.

Lippman, P.J., Andrias, Friedman, Renwick, DeGrasse, JJ.

M-3063 In the Matter of E., Jayvien - Administration for
Children's Services

Leave to prosecute appeal as a poor person granted, as
indicated.

Lippman, P.J., Andrias, Friedman, DeGrasse, JJ.

M-2325 People v Dove, Faith
M-2880

Leave to prosecute appeal as a poor person denied, with
leave to renew, as indicated.

Lippman, P.J., Tom, Andrias, Saxe, JJ.

M-2559 In the Matter of G., John Thomas, also known as G. John
Jr. - St. Dominic's Home

Leave to prosecute appeal as a poor person granted, as
indicated (see M-2559A, decided simultaneously herewith).

Andrias, J.

M-2559A In the Matter of G., John Thomas, also known as G.,
John, Jr. - St. Dominic's Home

Stay denied (see M-2559, decided simultaneously
herewith).

Lippman, P.J., Tom, Williams, Acosta, JJ.

M-2776 Winter v Winter

Reargument or other relief denied.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3097 People ex rel. Nelson, Dion v Warden

Appeal deemed withdrawn.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3159 Nimkoff v Nimkoff

Motion deemed withdrawn.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3135 In the Matter of A., "Baby Girl", also known as
A., Keyshawna, also known as A., Keyshawna M. -
Jewish Child Care Association of New York

Appeal dismissed unless perfected on or before
September 2, 2008 for the November 2008 Term, as indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3065 People v Alex, Joseph

Leave to prosecute appeal as a poor person granted, as
indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3204 People v Williams, Darrell

Leave to prosecute appeal as a poor person granted, as
indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3307 People v Campos, Kenny

Leave to respond to appeal as a poor person granted, as indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3113 People v Arocho, Tomas

Leave to prosecute appeal as a poor person and related relief granted; Clerk of the Supreme Court shall expeditiously have made and filed with the criminal court two transcripts of the SORA hearing and other proceedings, as indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3165 Rivera v City of New York Department of Housing Preservation and Development

Leave to prosecute appeal as a poor person granted to the extent indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-2832 People v Savinon, Carlos

M-2980 People v Sierra, Wilfredo, also known as Milanes, Mario

M-3061 People v Johnson, Robert

M-3101 People v Goris, Juan

M-3108 People v Clanton, Tony

Leave to prosecute appeals as poor persons denied, with leave to renew, as indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-2931 People v Tutiven, Segundo

M-3008 People v Almonte, Stephany

M-3009 People v Pugh, Crystal

M-3028 People v Britt, Gemel

M-3031 People v Martinez, Peter

Notices of appeal deemed timely filed; leave to prosecute appeals as poor persons denied, with leave to renew, as indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3367 Hamiltonian Corporation v Trinity Centre LLC

Appeal adjourned to the November 2008 Term.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3105 People v Rios-Davilla, German, also known as Rios-Davila, German, also known as Rios, German

Appeals consolidated; leave to prosecute consolidated appeals as a poor person granted to the extent indicated. Clerk directed to calendar consolidated appeals for hearing together in the January 2009 Term.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-2890 McCoy v The State of New York

M-3196 In the Matter of Z., Susan Elizabeth, also known as Z., Elizabeth; Z., Kayla Mary, also known as Z., Kayla; A. Priscilla Rose, also known as A. Priscilla - Catholic Guardian Society

M-3200 Lubit v Lubit

M-3273 1319 Third Avenue Realty Corp. v Chateaubriant Restaurant Development Company, LLC - Qasemi

M-3532 Industry City Management v Atlantic Mutual Insurance Company

Time to perfect appeals enlarged to the November 2008 Term.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-2960 CMI II, LLC. v Newman & Newman, P.C.
(And another action)

M-3176 Katsam Holdings LLC v 419 West 55th Street Corporation

M-3207 Sital v City of New York

Time to perfect appeals enlarged to the December 2008 Term.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3297 Citidress II, also known as Citidress II Corp. v
207 Second Avenue Realty Corp. - Hinshaw & Culbertson,
LLP

Time to perfect appeal and cross appeal enlarged to the
December 2008 Term.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3218 Gunn, Steers & Company, L.L.C. v Steers

Time to perfect appeal enlarged to the January 2009
Term.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3471 Chunn v New York City Housing Authority - American
Security Systems, Inc. - National Casualty Company and
Scottsdale Insurance Company

Appeals adjourned to the October 2008 Term.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3292 Gryphon Domestic VI, LLC v APP International Finance
Company, B.V. - Indah Kiat International Finance
Company, B.V. - P.T. Indah Kiat Pulp & Paper
Corporation

Time to perfect appeal enlarged to the April 2009 Term,
as indicated (see M-3310 and M-3311, decided simultaneously
herewith).

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3310 Gryphon Domestic VI, LLC v APP International Finance Company, B.V. - Indah Kiat International Finance Company, B.V.

Time to perfect appeal enlarged to the April 2009 Term (see M-3311 and M-3292, decided simultaneously herewith).

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3311 Gryphon Domestic VI, LLC v APP International Finance Company, B.V. - Indah Kiat International Finance Company, B.V. - White & Case LLP

Time to perfect appeal and cross appeal enlarged to the April 2009 Term (see M-3310 and M-3292, decided simultaneously herewith).

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3525 Roberts v Tishman Speyer Properties, L.P.
M-3545
M-3562

Amicus curiae briefs deemed filed for the September 2008 Term. Motions otherwise denied.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3317 Dodge v Lynch

Stay granted.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3376 Embraer Finance Ltd. v Servicios Aeros Profesionales,
S.A.

Stay granted.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3589 Gomez v Sharon Baptist Board of Directors, Inc.
(And a third-party action)

Stay of trial granted.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-2763 Lavacca v Bazzini

Stay of trial denied.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3467 First Sealord Surety, Inc. v Vesta 24 LLC

Stay granted on condition appeal perfected for the
December 2008 Term, as indicated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3423 Tico, Inc. v Borrok

Enlargement of record on appeal granted to the extent
indicated; motion otherwise denied.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3115 Ladies Mile, Inc. v Diamond

M-3164 Violin Entertainment Acquisition Company, Inc. v Virgin Entertainment Holdings, Inc.

M-3241 Trump Plaza Owners, Inc. v Weitzner

M-3276 Roni LLC v Arfa

M-3422 Chan v 327 West 36th St., LLC, also known as 327 W 36th Street, LLC

Stays denied.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-2958 Gazivoda v Sherman

Leave to appeal from the Appellate Term denied. Stay denied; interim relief granted by order of a Justice of this Court, dated June 11, 2008, vacated.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3049 In the Matter of Romero, Ubaldo v Friedman-Agnifilo

Motion to correct previous orders of this Court granted, as indicated. Motion otherwise denied.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3495 Citicorp Leasing, Inc. v U.S. Auto Leasing, Inc. -
Bishay

Leave to strike defendants' notice of issue, brief and appendix granted to the extent of deeming transcripts amended, as indicated. Time to file plaintiff-respondent's brief and appendix enlarged to on or before October 1, 2008 for the November 2008 Term. Disqualification of counsel denied.

Tom, J.P., Gonzalez, Sweeny, Catterson, Moskowitz, JJ.

M-3405 Slattery Skanska, Inc. v American Home Assurance
M-3359 Company - Aon Risk Services Companies, Inc.
M-3459

Leave to strike joint record on appeal denied (M-3405/M-3359); leave to file supplemental record granted for the November 2008 Term, to which Term appeal and cross appeals adjourned, as indicated (M-3459).

Gonzalez, J.P., Nardelli, Buckley, Catterson, JJ.

M-2388 Fishkin v Taras

Reargument granted, and upon reargument decision and order of this Court entered April 10, 2008 (Appeal No. 3364) recalled and vacated and a new decision and order substituted therefor (see Appeal No. 3364, decided simultaneously herewith). Leave to appeal to the Court of Appeals denied, as indicated.

Gonzalez, J.P., Williams, Buckley, Catterson, JJ.

M-2862 Tsabbar v 17 East 89th Street Tenants, Inc.

Reargument denied; matter remanded to Supreme Court, as indicated.

Gonzalez, J.

M-1930 People v Simon, Christopher
Leave to appeal to this Court denied.

Gonzalez, J.

M-1952 People v Cicio, Terry, also known as Cicio, Michael
Leave to appeal to this Court denied.

Catterson, J.

M-1762 People v Rodriguez, Wilson
Leave to appeal to this Court denied.

Catterson, J.

M-2952 People v Pettaway, Shawn
Leave to appeal to this Court denied.

Catterson, J.

M-3089 People v Cabrera, Osvaldo
Leave to appeal to this Court denied.

Mazzarelli, J.P., Saxe, Friedman, Nardelli, Williams, JJ.

In the Matter of Attorneys Who Are in Violation
of Judiciary Law Section 468-a:

M-3364 Akshay Desai, admitted on 9-16-1996,
at a Term of the Appellate Division,
First Department

Respondent reinstated as an attorney and counselor-at-law in the State of New York, effective the date hereof. No opinion. All concur.

Mazzarelli, J.P., Saxe, Friedman, Nardelli, Williams, JJ.

In the Matter of Attorneys Who Are in Violation
of Judiciary Law Section 468-a:

M-3398 Carmen Maria Grullon, admitted on 9-28-1987,
at a Term of the Appellate Division,
First Department

Respondent reinstated as an attorney and counselor-at-law in the State of New York, effective the date hereof. No opinion. All concur.

The following order was entered and filed on July 28, 2008:

Andrias, J.P., Saxe, Friedman, Nardelli, JJ.

M-1828A Ghose v CNA Reinsurance Company Limited, now known as
CX Reinsurance Company Ltd.

Commissioner of Finance directed to pay defendant Underwriters, as indicated. The order of this Court entered on May 8, 2008 (M-1828) recalled and vacated.

The following order was entered and filed on July 29, 2008:

Lippman, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2411 (DC #6) In the Matter of C., Deneen v Herbert -
Estate of C., William L.

Upon the Court's own motion, appeal dismissed.