

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 December 2, 2008.

PRESENT: Hon. Jonathan Lippman, 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-

Eric Tuckey,  
Defendant-Appellant.

M-5282  
Ind. No. 5773/02  
2806/03  
3446/03

-----X  
An appeal having been taken from judgments of the Supreme Court, Bronx County, rendered on or about April 8, 2005,

Now, upon reading and filing the stipulation of the parties hereto, dated October 29, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT: Hon. Jonathan Lippman, 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-5283  
Ind. No. 5199/92

Jose Alberto,  
Defendant-Appellant.  
-----X

An appeal having been taken from a 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 October 29, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT - Hon. Jonathan Lippman, 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-5286  
Ind. No. 1703/06

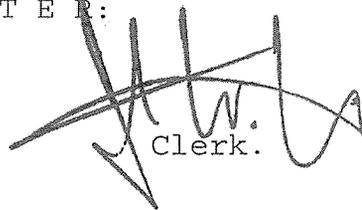
William Mason,  
Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 10, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated October 30, 2008, 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 December 2, 2008.

PRESENT - Hon. Jonathan Lippman, 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-5287  
Ind. No. 2319/06

William Mason,  
Defendant-Appellant.

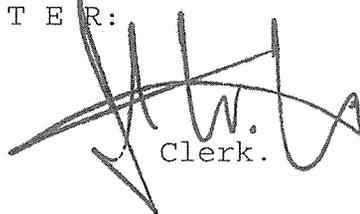
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 6, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated October 30, 2008, 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 December 2, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Cortese Severo,  
Plaintiff,

M-5311X

-against-

Index No. 108138/05

The Rockefeller University, et al.,  
Defendants.

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

An appeal having been taken by fourth party defendant-appellant J.M. Electrical Corp. from the order of the Supreme Court, New York County, entered on or about April 18, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 3, 2008, 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 December 2, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
BT Americas Inc.,  
Plaintiff-Respondent,

-against-

M-5344X  
Index No. 602014/07

Prontocom Marketing, Inc.,  
Defendant,

Khandoker Kader, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 26, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 5, 2008, 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 December 2, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Vadim Milstein,  
Plaintiff-Appellant,

-against-

M-5381X  
Index No. 601259/07

IHI Danmark A/S, International Health  
Insurance,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 12, 2007 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 7, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT: Hon. Jonathan Lippman, 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-5398  
Ind. No. 2504/02

Jose Diaz, also known as Alex Diaz,  
also known as Alex Vielman,  
Defendant-Appellant.

-----X

Defendant-appellant having appealed to this Court from a judgment of the Supreme Court, New York County, rendered on or about March 7, 2008,

Now, upon reading and filing the stipulation of the parties hereto dated November 10, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Dekel Shiloh,  
Plaintiff-Respondent-Appellant,

-against-

M-5399X  
Index No. 602872/07

Pearl Cohen Zedek Latzer, LLP,  
et al.,  
Defendants-Appellants-Respondents.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 3, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 10, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Peter Procanyn,  
Plaintiff-Respondent,

-against-

M-5377  
Index No. 106792/04

Vornado Realty Trust, Vornado Management Corp., 888 Seventh Avenue Fee Owners Inc., 888 Seventh Avenue, LLC,  
Defendants-Appellants.

A.J. Contracting Company, Inc.,  
Defendant,

-and-

Structure Tone, Inc.,  
Defendant-Respondent.

-----X  
Vornado Realty Trust, Vornado Management Corp., 888 Seventh Avenue Fee Owners Inc.,  
Third-Party Plaintiffs,

-against-

Index No. 590370/05

Structure Tone,  
Third-Party Defendant.

-----X  
Structure Tone Inc., sued herein as  
Structure Tone,  
Second Third-Party Plaintiff,

-against-

Index No. 591047/05

Robert B. Samuels, Inc.,  
Second Third-Party Defendant-Respondent.  
-----X

-----X  
888 Seventh Avenue Fee Owners Inc., et al.,  
Third Third-Party Plaintiffs,

-against-

Index No. 590555/06

Robert B. Samuels, Inc.,  
Third Third-Party Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 04, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated June 17, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2008 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Dickstein Shapiro, LLP,  
Plaintiff-Respondent,

-against-

M-5378  
Index No. 106721/07

Robert A. Cassino,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 30, 2007 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated November 3, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2008 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Moon Ja Yoon,  
Plaintiff-Respondent,

-against-

M-5376  
Index No. 25016/04

The City of New York,  
Defendant-Respondent,

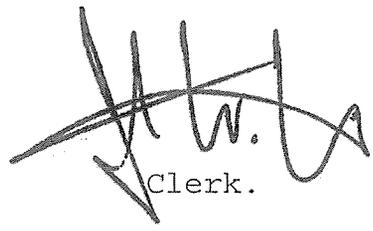
J&D Services, Inc. and South Bronx  
Overall Economic Development Corp.,  
Defendants-Appellants.  
-----X

Separate appeals having been taken from the order of the Supreme Court, Bronx County, entered on or about September 18, 2007,

Now, upon reading and filing the stipulation of the parties hereto, filed November 5, 2008, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the December 2008 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
The Travelers Indemnity Company of  
Connecticut, as Subrogee of the  
Rights of The Foundation Center,

Plaintiff-Appellant,

M-5392

Index No. 103459/05

-against-

A&R Kalimian Realty, L.P., and Arista  
Air Conditioning Corp.,

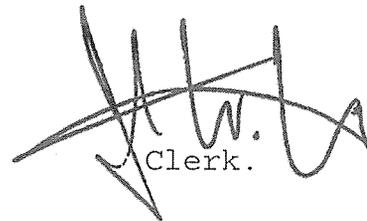
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 5, 2007 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed October 31, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2008 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Irina Mitauer Megrelishvili, et al.,

Plaintiffs-Appellants-Respondents,

M-5393

-against-

Index No. 22557/95

Our Lady of Mercy Medical Center,

Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 13, 2006,

Now, upon reading and filing the stipulation of the parties hereto, filed November 5, 2008, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the January 2009 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Goodie Brands Packing Corp.,  
Plaintiff-Respondent,

-against-

M-5116  
Index No. 17067/03

LR Sales Corp., doing business as  
Vegetable Power, et al.,  
Defendants,

Rochelle R. Entenmann,  
Defendant-Appellant.

-----X

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

And defendant-appellant having moved for a stay of all proceedings, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant's counsel dated November 10, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
Donald A. Taylor, et al.,

Plaintiffs-Appellants,

-against-

Michael J. Sheridan, Ford Motor Credit  
Company, et al.,

M-4614  
M-4989  
Index No. 18805/03

Defendants-Respondents.  
-----X

Defendant-respondent, Michael J. Sheridan, having moved to dismiss the appeal from the judgment of the Supreme Court, Bronx County, entered on or about June 4, 2007 (M-4614),

And defendant-respondent, Ford Motor Credit Company, having cross-moved for similar relief (M-4989),

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 and cross motion are granted and the appeal is dismissed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

-against-

M-4966  
Ind. No. 1263/08

Kenneth Brye,  
Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about August 19, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

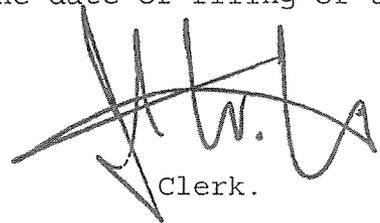
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal as 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, 11<sup>th</sup> 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 December 2, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

-against-

M-4987  
Ind. No. 3532/07

Richard Proano,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about August 7, 2008, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as 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.

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 December 2, 2008.

PRESENT - Hon. Jonathan Lippman, 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-5104  
Ind. No. 6292/06

James Brown,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 12, 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 December 2, 2008.

PRESENT - Hon. Jonathan Lippman, 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-5105  
Ind. No. 1399/06

Kennedy Brown,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 24, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

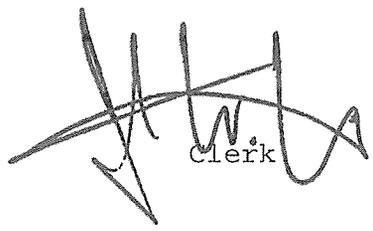
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

E N T E R:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT - Hon. Jonathan Lippman, 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-5106  
Ind. No. 5935/07

Steve McMillan,  
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 14, 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 December 2, 2008.

PRESENT - Hon. Jonathan Lippman, 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-5111  
Ind. Nos. 1775/07  
5496/07

James Chauncy, also known as  
Chauncy James,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 19, 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 December 2, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
John W. Sweeny, Jr.  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Joseph Romeo,  
Plaintiff-Appellant,

-against-

M-4956  
Index No. 106470/06

Property Owner (USA) LLC and  
D.P. Facilities, Inc.,  
Defendants-Respondent.  
-----X

Plaintiff having moved for an enlargement of time in which to perfect the appeal from the orders of the Supreme Court, New York County, entered on or about December 14, 2007 (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 February 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 December 2, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
John G. Miller, Peter Bruan,  
Walter Scott Bruan, Christopher  
Bruan, Sloan Bruan and Worldco,  
L.L.C.,  
Respondents-Plaintiffs-  
Counterclaim-Defendants,

-against-

M-5085  
Index No. 604222/06

Anthony F. Bruan, Walter Francis  
Bruan, Katherine Bruan Hooper and  
Kristin Bruan,  
Defendants-Appellants-  
Counterclaim-Plaintiffs.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, both entered on or about December 21, 2007 (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 March 2009 Term, with no further enlargements to be 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 December 2, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
Darius Bygrave, an Infant by his  
Mother and Natural Guardian,  
Averdean Bygrave,  
Plaintiff-Appellant,

-against-

M-4905  
Index No. 7292/04

New York City Housing Authority,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about December 4, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the March 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 December 2, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
Whitney Pulliam and Deitra Pulliam,  
Plaintiffs-Appellants,

-against-

M-5035  
Index No. 116039/04

Deans Management of N.Y., Inc.,  
Defendant-Respondent,

-and-

Patricia Correra,  
Defendant.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 31, 2007 (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 March 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 December 2, 2008.

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

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

Respondent,

M-5044

DC #1

-against-

Ind. No. 3131/03

Jose Aguilar, also known as Jose  
Luis Aguilar,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about June 30, 2004,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

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

-----X

The People of the State of New York,

Respondent,

M-5051

DC #4

-against-

Ind. No. 1635/02

Pablo Almonte,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 19, 2003,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5053

DC #5

-against-

Ind. No. 3210/03

Allen Andrade,

Defendant-Appellant.

-----X

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

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

Respondent,

M-5059

DC #8

-against-

Ind. No. 7034/04

Eddie Badia,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

Respondent,

M-5060

DC #9

-against-

Ind. No. 4241/06

Michael Bailey,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 25, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M McGuire  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5064

DC #13

-against-

Ind. No. 6138/06

Shakim Brunson,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 16, 2007, and the judgment of resentence of said Court entered on or about July 25, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term and counsel is directed to so perfect.

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 December 2, 2008.

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

-----X

The People of the State of New York,

Respondent,

M-5065

DC #14

-against-

Ind. Nos. 2585/06

3121/06

William Butts,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 28, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5078

DC #21

-against-

Ind. No. 100/06

Richard Chimilio,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 9, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5127

DC #29

-against-

Ind. No. 6999/06

Michael Ferguson,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

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

-----X

The People of the State of New York,

Respondent,

M-5130

DC #32

-against-

Ind. No. 3344/05

Marlon Flowers,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 11, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

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

-----X

The People of the State of New York,

Respondent,

M-5135

DC #40

-against-

Ind. No. 6606/03

Kyle Jenkins,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 18, 2005,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5146

DC #50

-against-

Ind. No. 6013/02

Cleveland Lovett,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 19, 2003,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

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

-----X

The People of the State of New York,

Respondent,

M-5148

DC #52

-against-

Ind. No. 3878/04

Ramon Martinez,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2005,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

Respondent,

M-5153

DC #57

-against-

Ind. No. 6837/06

Samuel Moales,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 29, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5156

DC #60

-against-

Ind. No. 2369/05

Case No. 31755C/05

Njasang Nji,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about January 8, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-5161  
DC #65  
Ind. No. 3251/03

Luis E. Pinales, also known as Luis Pinales,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 25, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

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

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

Respondent,

-against-

Terry Pearson,

Defendant-Appellant.  
-----X

M-5163  
DC #67  
Ind. Nos. 4464/06  
4478/06  
4340/06

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 23, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

Respondent,

M-5164

DC #68

-against-

Ind. No. 5187/04

James Phillips,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 31, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5166

DC #70

-against-

Ind. No. 1633/06

Manuel Picon,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 18, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5170

DC #74

-against-

Ind. No. 1512/03

Anthony Roosevelt,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the order of the Supreme Court, New York County, rendered on or about April 13, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

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

-----X

The People of the State of New York,

Respondent,

M-5176

DC #80

-against-

Ind. No. 2778/03

Tyrone Williams, also known as  
Tyrone L. Williams,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 5, 2004,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2009 Term of this Court and counsel is directed to so perfect.

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 December 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
John T. Buckley  
James M McGuire  
Leland G. DeGrasse, Justices.

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

Respondent,

M-5075 (DC #16)

M-5208

-against-

Ind. Nos. 3664/04

90098/05

Rohan Campbell,

Defendant-Appellant.  
-----X

Appeals having been taken to this Court by defendant from the judgments of the Supreme Court, Bronx County, rendered on or about December 14, 2006 and March 14, 2007, respectively,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted affirmations seeking an enlargement of time in which to perfect the appeals (M-5208),

Now, upon reading and filing the papers with respect to the motion (M-5208), and due deliberation having been had thereon, and upon the Court's own motion (M-5075 [DC #16]), it is

Ordered that appellant's time in which to perfect the appeals is enlarged to the March 2009 Term and counsel is directed to so perfect.

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 December 2, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

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

-against-

M-4844  
Ind. No. 2503/06

Dieydy Diallo,  
Defendant-Appellant.

-----X

The People having moved for an order dismissing defendant's appeal taken from an order of the Supreme Court, New York County, entered on or about December 14, 2007, without prejudice to reinstatement at such time appellant 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.

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 December 2, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

-----X

Saul Rudes,

Plaintiff-Respondent,

-against-

Kenneth Heller,

Defendant-Appellant.

M-3628  
M-4954  
Index No. 114298/04

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about June 3, 2008 (M-3628),

And defendant-appellant having cross-moved for an order staying the aforesaid judgment, pending hearing and determination of said appeal (M-4954),

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 is granted and the appeal is dismissed. The cross 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 December 2, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

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

-against-

Mark Eneh,  
Defendant-Appellant.

M-4881  
Case Nos. 19858C/05  
23694C/05  
Ind. No. 3664/07

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 10, 2008, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as 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, 11<sup>th</sup> 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 December 2, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta, Justices.

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

-against-

M-4871  
Ind. No. 2413/03

Johnny Rios,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 9, 2008, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as 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 **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.

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:

  
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 December 2, 2008.

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

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

-against-

M-4792  
Ind. No. 1966/07

Tony Clanton,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 10, 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, 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 December 2, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Pamela Pryor and Clarence Pryor,  
Plaintiffs-Appellants,

-against-

M-4723

Index No. 116851/02

The City of New York and Consolidated  
Edison and Empire City Subway Co.,  
Ltd.,

Defendants,

-and-

Judlau Contracting, Inc.,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 11, 2008 (mot. seq. no. 003),

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 for the March 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X  
Esther Rivera,  
Plaintiff-Respondent,

-against-

The City of New York, Queens Network  
Cable Corp. Cab Associates and  
Central Rug & Carpet Mart, Inc.,  
Defendants-Respondents,

M-5109  
Index No. 101164/03

-and-

Lew Dac Construction, Inc. and  
Consolidated Edison Company of  
New York Inc.,  
Defendants,

-and-

The New York City Transit Authority,  
Defendant-Appellant.

-----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 December 21, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the March 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 December 2, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton L. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

-----X

Abra Construction Corp., on its own behalf and on behalf of all others similarly situated, who are beneficiaries of trust funds received by Defendants under Article 3A of the Lien Law of the State of New York or otherwise,  
Plaintiff-Appellant,

M-4782

Index No. 603260/02

-against-

112 Duane Associates LLC, et al.,  
Defendants-Respondents.

-----X

Guy Roberts,  
Plaintiff,

-against-

Index No. 604522/01

112 Duane Associates, LLC, et al.,  
Defendants Third-Party  
Plaintiffs-Respondents,

-against-

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

-----X

Plaintiff/third-party defendant-appellant, Abra Construction Corp., 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 December 5, 2007, pending hearing and determination of a related case in this Court *Abra Construction Corp. v 112 Duane Associates* (under Index No. 117966/98) [Calendar No. 373],

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 from the order of the Supreme Court, New York County, entered on or about December 5, 2007 to the April 2009 Term.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

Present : Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
The People of the State of New York  
ex rel. Alberto Batista, also known  
as Roberto Blanco,  
Petitioner-Appellant,

-against-

M-4926  
Index No. 340385/08

Warden, Rikers Island Correctional  
Facility and New York State Division  
of Parole,  
Respondents-Respondents.

-----X

Petitioner-appellant 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 June 24, 2008, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

-against-

M-4924  
Ind. No. 196/06

Danielle Shay,

Defendant.  
-----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 September 12, 2007,

Now, upon reading and filing the papers with respect to the motion, the affirmation of defendant's counsel Christopher Martin, Esq., dated October 14, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is denied. (See CPL § 460.30 subd. 1.; see also CPL § 440.10).

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 December 2, 2008.

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

-----X  
In the Matter of

Jada V.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law. M-4012

-----X  
Docket No. B7166/06

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

Ana A.,  
Respondent.

-----X  
Michael Scherz, Esq., and  
Mari Hinojosa, Esq.,  
Lawyers for Children, Inc.,  
Law Guardians for the Child,  
Respondent-Appellant.

-----X

An appeal having been taken by the Law Guardians on behalf of respondent-appellant child, Jada V., from the order of the Family Court, New York County, entered on or about October 2, 2007,

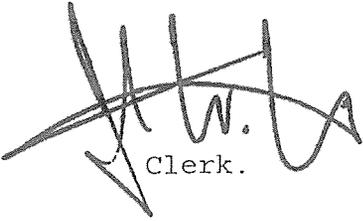
And an order of this Court having been entered December 4, 2007 (M-5372) deeming the aforesaid appeal withdrawn,

And petitioner-respondent Agency Graham-Windham Services to Families and Children having moved for dismissal 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 as academic, the appeal having been deemed withdrawn by order of this Court entered December 4, 2007 (M-5372), a copy of which is annexed hereto.

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 December 4, 2007.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
David B. Saxe  
Eugene Nardelli, Justices.

-----X  
In the Matter of

Jada V.,

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

M-5372

-----  
New York City Administration for  
Children's Services,  
Petitioner-Respondent,

Docket No. B7166/06

Jada V.,  
Respondent-Appellant,

Ana A.,  
Respondent.

-----  
Michael Scherz, Esq., and Mari  
Hinojosa, Esq., Lawyers for Children,  
Inc.,  
Law Guardians for the Child.

-----X

An appeal having been taken by the Law Guardian on behalf of respondent-appellant child, Jada V., from the order of the Family Court, New York County, entered on or about October 2, 2007,

And the Law Guardian having moved on respondent-appellant's behalf in the nature of a preliminary appellate injunction pursuant to CPLR 5518 with respect to certain provisions of the aforesaid order, pending hearing and determination of the appeal therefrom, and for other related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence of Michael Scherz, Esq., and Mari Hinojosa, Esq., Law Guardians for the child, dated November 8, 2007, and due deliberation having been had thereon,

It is ordered that the motion and appeal are 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 December 2, 2008.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Richard Kennedy,  
Plaintiff,

-against-

M-4537  
Index No. 24139/04

Clive Kennedy,  
Defendant.  
-----X

Defendant having moved for a stay of the decision of the Supreme Court, Bronx County, entered on or about August 15, 2008, pending hearing and determination of the purported appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

Present: Hon. Luis A. Gonzalez, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-4861  
Ind. No. 90139/05

Faith Dove, also known as Faith Y.  
Dove,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 21, 2007,

And an order of this Court having been entered on August 5, 2008 (M-2325 & M-2880), denying defendant's motion for poor person relief and the assignment of counsel, with leave to renew,

And defendant having moved to renew his application for leave to prosecute the aforesaid appeal as a poor person 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.

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. So much of the motion which seeks reargument of the prior order of this Court entered on August 5, 2008 (M-2325 & M-2880) is denied.

ENTER:



Clerk.

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-2750  
Ind. No. 6647/02

-against-

CERTIFICATE  
DENYING LEAVE

Shamar Legette,

Defendant.

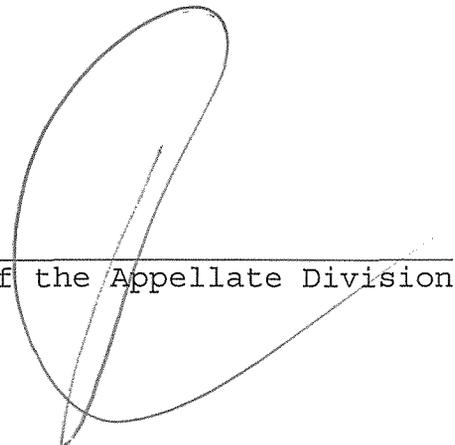
-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, (Bonnie G. Wittner, J.), entered April 14, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
November 19, 2008

Entered: December 2, 2008

Justice of the Appellate Division



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

BEFORE: Hon. Luis A. Gonzalez  
Justice of the Appellate Division

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

M-4730  
Ind. No. 2736/05

-against-  
Kevin Davis,

CERTIFICATE  
GRANTING LEAVE

Defendant-Appellant.  
-----X

I, Luis A. Gonzalez, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about August 28, 2008.<sup>1</sup>

Dated: November 21, 2008  
New York, New York

Entered: December 2, 2008

  
\_\_\_\_\_  
Hon. Luis A. Gonzalez  
Associate Justice

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

---

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

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 December 2, 2008.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. McGuire  
Rolando T. Acosta  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

This Document Applies to the Following Plaintiffs from the May 2008 in Extremis Cluster:

George Barbera,	M-5573
Gerard Friedman,	Index Nos. 112819/07
Paul Oswald,	112940/07
Francis Pflum,	126462/07
Anthony Velocci,	115526/07
Plaintiffs-Appellants,	116617/06

-against-

Kentile Floors, Inc., et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 19, 2008,

And defendant Kentile Floors, Inc. having moved for a stay of 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 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 December 2, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
John Galliano, S.A.,  
Plaintiff-Respondent,

-against-

**M-5462**  
Index No. 109292/07

Stallion, Inc.,  
Defendant-Appellant.

- - - - -  
NGM Insurance Co., Surety, Additionally  
Served.

-----X

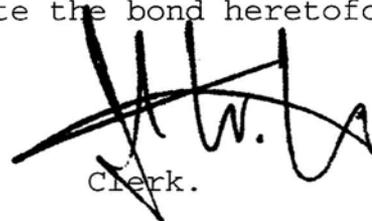
Appeals having been taken from the judgment of the Supreme Court, New York County, entered on or about April 29, 2008, and from the order of said Court, entered on or about September 26, 2008 (mot. seq. no. 002), respectively,

And petitioner-respondent having moved for an order mandating an increased bond or, in the alternative, dismissing respondent-appellant's appeal for failure to post an adequate undertaking,

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-appellant to perfect the aforesaid appeals, which are sua sponte consolidated, on or before January 5, 2009 for the March 2009 Term. Defendant is permitted to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. Upon failure to so perfect plaintiff-respondent may move on notice to dismiss the appeal and exonerate the bond heretofore filed.

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 December 2, 2008.

Present - Hon. David Friedman, Justice Presiding,  
James M. McGuire  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----x  
Maray Stevenson-Misischia, as Executrix  
of the Estate of Mario Misischia,  
Plaintiff-Appellant,

-against-

M-5521  
Index No. 600122/07

L'Isola D'Oro SRL, et al.,  
Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 7, 2007 (mot. seq. no. 001),

And plaintiff-appellant having moved for an order enlarging the record on appeal, 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. Sua sponte, the appeal is adjourned to the February 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 December 2, 2008.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Milton L. Williams  
Helen E. Freedman, Justices.

-----X  
Christine W.,

Petitioner-Respondent,

-against-

Adrian B.,

Respondent-Appellant.  
-----X

**M-4374**  
Docket No. F676/00

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about July 20, 2007,

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

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

ENTER:

  
Clerk.