

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 9, 2008.

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

-----X  
Nicole Virgilio,  
Plaintiff-Appellant, M-4949  
M-5023  
-against- M-5266  
Index No. 26411/04  
Kristin Britt, Annette Shideler  
and Kwaku Amankwah,  
Defendants-Respondents.  
-----X

Defendants-respondents Kwaku Amankwah (M-4949), Annette Shideler (M-5023) and Kristin Britt (M-5266) having separately moved and cross-moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about March 28, 2008,

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

Ordered that the motion and cross motions are granted and the appeal is dismissed.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

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

-----X  
Kevin Veneski, et al.,  
Plaintiffs-Respondents,

-against-

M-4957  
Index No. 100011/98

Queens-Long Island Medical Group,  
P.C., et al.,  
Defendants,

Norman Leonard Cousins,  
Non-Party Appellant.

-----X

Non-party appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 14, 2007 (mot. seq. no. 018),

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

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

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 9, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
John T. Buckley  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Mister Gemini, et al.,  
Plaintiffs-Respondents,

-against-

M-5242  
Index No. 112153/05

NMI P. Christ and Dragos Busioc,  
Defendants-Appellants.  
-----X

Defendants having moved for an order staying the 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 July 15, 2008 (mot. seq. no. 002),

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

It is ordered that the motion is granted.

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 9, 2008.

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

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

-----  
M-4169  
Marcela A., Docket Nos. V2233-05/08B  
Petitioner-Appellant, V2233-05/08C

-against-

Knight L.,  
Respondent-Respondent.

-----X

Petitioner-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about July 24, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Louise Belulovich, Esq., 411 East 57<sup>th</sup> Street, Apt. 14C, New York, New York 10022, Telephone No. 212-421-6113, as counsel, for purposes of prosecuting the appeal;  
(2) **directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting**

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.**

E N T E R:

A handwritten signature in black ink, appearing to be "J.W.L.", written over a horizontal line. The signature is stylized and somewhat illegible.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
John T. Buckley  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

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

-----  
Celenia M., M-4388  
Petitioner-Respondent, Docket No. V10736-97/07H

-against-

Faustino M.,  
Respondent-Appellant.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about August 14, 2008 and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Louise Belulovich, Esq., 411 East 57<sup>th</sup> Street, Apt. 14C, New York, New York 10022, Telephone No. 212-421-6113, as counsel, for purposes of prosecuting the appeal;  
(2) **directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting**

---

<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.**

E N T E R:

A handwritten signature in black ink, appearing to be "H.W.L.", written over a horizontal line. The signature is stylized and somewhat illegible.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
David Friedman  
Luis A. Gonzalez  
James M. Catterson, Justices.

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

-against-

M-5024  
Ind. No. 4244/06

Doniell Rawlings,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 18, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

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

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

-against-

M-5195  
Ind. No. 3209/07

Kijuan Smith,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 4, 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 ten reproduced copies of such brief, together with the original record, with this Court.

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

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 9, 2008.

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

-----X  
B.B.C.F.D., S.A. (A Panamanian  
corporation), et al.,  
Plaintiffs,

-against-

Action No. 1  
Index No. 604084/03

Bank Julius Baer & Co. Ltd., et al.,  
Defendants-Respondents,

Julius Baer Americas, Inc.,  
formerly known as Julius Baer  
Securities, Inc., et al.,  
Defendants,

**M-4946 & M-4947**

Baruch Ivcher,  
Defendant-Appellant.

-----X  
[Cross-Claim and Third-Party actions]

-----X  
Skilled Investors, Inc.,  
Plaintiff-Respondent,  
-against-

Action No. 2  
Index No. 603818/03

Bank Julius Baer & Co. Ltd., et al.,  
Defendants,

Baruch Ivcher,  
Defendant-Appellant.

-----X

Appeals having been taken by defendant-appellant in Action Nos. 1 and 2 Baruch Ivcher from the orders of the Supreme Court, New York County, both entered on or about January 10, 2008 (mot. seq. no. 021 [under Index No. 603818/03]) and (mot. seq. no. 024 [under Index No. 604084/03]), respectively,

And an order of this Court having been entered on October 21, 2008 (M-4435), having consolidated the aforesaid appeals,

And defendant-appellant having moved for an enlargement of time in which to perfect the consolidated appeals,

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

It is ordered that the motions are granted and the time in which to perfect the aforesaid consolidated appeals are enlarged 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 9, 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-4993  
Ind. No. 4161/06

Jose Gonzalez,  
Defendant-Appellant.

-----X

Defendant-appellant, pro se, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 19, 2007, having moved to enlarge the record on appeal, and for related relief,

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

It is ordered that the motion to enlarge the record on appeal is denied as academic the document sought being part of the record. The time in which to perfect the pro se appeal is enlarged to on or before February 2, 2009 for the April 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 9, 2008.

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

-----X

The People of the State of New York,

-against-

M-4187  
Ind. No. 1538/01

Cruz Beltran, also known as  
Beltran A. Cruz, also known as  
Beltran Cruz,  
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, Bronx County, rendered on or about June 20, 2002, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied (CPL 460.30 subd 1).

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 9, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
Milton L. Williams  
John T. Buckley  
Dianne T. Renwick, Justices.

-----X  
Marianne Nestor and Peggy Nestor,

Petitioners-Landlords-Appellants,

-against-

**M-4732**

Index No. 570385/07

Thomas Britt,

Respondent-Tenant-Respondent.  
-----X

Petitioners-landlords-appellants having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 23, 2008,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

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

-----X  
Cecilia Garcia,  
Plaintiff-Appellant,

-against-

M-4918  
Index No. 15393/06

Yaque Luxury, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about December 11, 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 and the appeal is dismissed.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

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

-----X  
Luis A. Valeriano, et al.,  
Plaintiffs-Appellants,  
  
-against-  
  
Murre Cab Corp., et al.,  
Defendants-Respondents.  
-----X

M-4919  
M-5009  
Index No. 104054/04

Defendants-respondents Murre Cab Corp. and Mohammad Sk Rahman having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about November 30, 2007 (mot. seq. no. 004) (M-4919),

And defendants-respondents M. Karamanogly and Sephanie A. Karamanogly having cross-moved for similar relief (M-5009),

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.

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 9, 2008.

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

-----X  
The People of the State of New York  
ex rel. Kellon Quamina,  
Relator-Appellant,

-against-

M-5114  
Index No. 52343/06

Warden, et al.,  
Respondents.

-----X

Edith Blumberg, Esq., counsel for appellant, having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about March 30, 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 and the appeal is dismissed as academic, appellant having been released from incarceration.

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 9, 2008.

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

-----X  
Maria Grullon,  
Plaintiff-Appellant,

-against-

M-4996  
Index No. 5111/03

David Martinez,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 10, 2007, and for related relief,

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

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

E N T E R:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

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

-----X  
Alan D. Glatt,

Plaintiff-Appellant,

-against-

Mariner Partners, Inc., et al.,

Defendants-Respondents.  
-----X

**M-5007**  
Index No. 601590/07

Plaintiff-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 January 7, 2008 (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 April 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 9, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Luis A. Gonzalez  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Joseph Chai Corp.,  
Plaintiff-Appellant,

-against-

**M-5320**  
Index No. 600080/07

Gemological Institute of America,  
Defendant-Respondent.

-----X  
Gemological Institute of America,  
Third-Party Plaintiff-  
Defendant-Respondent,

-against-

Index No. 590083/07

Lazare Kaplan International Inc.,  
Third-Party Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the consolidated appeals from the orders of the Supreme Court, New York County, entered on or about August 8, 2007 (mot. seq. no. 001) and August 13, 2007 (mot. seq. no. 002), respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals 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 9, 2008.

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

-----X  
Hallmark Electrical Supplies Corp.,  
Plaintiff,

-against-

**M-5201**  
Index No. 603644/03

Nova Star Electric Corp.,  
Defendant-Respondent-Appellant,

One State Street LLC,  
Defendant-Appellant-Respondent,

Hallmark Electric Supply Co., Inc.,  
et al.,  
Defendants.

-----X

An appeal and cross appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about December 21, 2007 and February 5, 2008, respectively; and an appeal and cross appeal having been taken from the order of said Court entered on or about April 2, 2008 and from the amended judgment of said Court entered on or about April 2, 2008, respectively,

And defendant-appellant-respondent having moved to consolidate the appeals from the judgment of the Supreme Court, New York County, entered on or about February 5, 2008 with the amended judgment of said Court, entered on or about April 2, 2008, and for an enlargement of time in which to perfect said appeals,

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

It is ordered that the motion is granted to the extent of consolidating the aforesaid appeals and cross appeals and enlarging the time in which to perfect the consolidated appeals to the April 2009 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 9, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Richard T. Andrias  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of the Application of  
Bernard Cherry,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-5103  
Index No. 109938/07

Martin Horn, Correction Commissioner  
of the New York City Department of  
Correction and the City of New York,  
Respondents-Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 23, 2008 (mot. seq. no. 001), to review a determination of respondents,

And petitioner-appellant having moved for an enlargement of time in which to perfect the aforesaid proceeding,

Now, upon reading and filing the papers with respect to said 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 said proceeding 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 9, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Harry Donas,  
Plaintiff-Appellant,

-against-

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

**M-5325**  
Index No. 100977/06

-----X

Plaintiff-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 January 29, 2008 (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 on or before February 23, 2009 for the May 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 9, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
John T. Buckley  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
In the Matter of

Kadija Tempie M., also known as  
Kadijah M.,

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

-----  
Edwin Gould Services for Children  
and Families, et al.,  
Petitioners-Respondents,

M-4068  
Docket No. B2082/01

Terry M.,  
Respondent-Appellant,

Hilda S.,  
Respondent,

-----  
Andrew Baer, Esq.,  
Law Guardian for the Child.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 28, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Susan Jacobs, Esq., Center for Family Representation, 116 John Street, 19<sup>th</sup> Floor, New York, New York 10038, Telephone No. 212-691-0950, as counsel, for purposes

of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.**

E N T E R:



Clerk.

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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 9, 2008.

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

-----X  
In the Matter of

Isis F. and Isaiah F.,

Dependent Children Alleged to be Neglected/Abused under Article 10 of the Family Court Act.

**M-4953**  
Docket Nos. NA13575-6/06

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

Alexander F.,  
Respondent,

Cherise F.,  
Respondent,

Alexander W.,  
Respondent,

Anita T.,  
Respondent-Appellant.

-----  
Steven Banks, Esq.,  
Law Guardian for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 9, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel, for purposes of prosecuting the appeal; (2) **directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk**, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



Clerk.

---

<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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 9, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5262  
Case No. 56161C/07

Nathaniel A. Sealy,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 16, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, David C. Farman, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 9, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
John W. Sweeny, Jr., Justices.

-----X  
Ulico Casualty Company,  
Plaintiff-Respondent,

-against-

M-5003  
Index No. 602229/99

Wilson, Elser, Moskowitz, Edelman  
& Dicker, et al.,  
Defendants-Appellants.  
-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 16, 2008 (Appeal No. 3154),

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 9, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Rolando T. Acosta, Justices.

-----x  
Kirkiles & Kotiadis, LLP,  
Plaintiff-Respondent,

-against-

M-4910  
Index No. 600698/02

Twin Donut, Inc., et al.,  
Defendants-Appellants.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 21, 2008 (mot. seq. no. 005),

And defendants-appellants having moved for an order striking the entire brief filed by plaintiffs-respondents and directing them to file a new brief which omits references to matters dehors the record, striking the exhibit to respondent's brief, and for an enlargement of time in which to file a reply brief,

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

It is ordered that the motion is granted only to the extent of adjourning the appeal to the February 2009 Term. The motion, to the extent it seeks to strike respondent's brief and the exhibit to respondent's brief, is denied, without prejudice to defendants addressing the issues in their reply brief. Sua sponte, plaintiff is permitted to file 10 copies of a supplemental record on appeal consisting of the papers submitted herein as an exhibit to respondent's brief.

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 9, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
The People of the State of New York  
ex rel. Tyrone Brown,

Petitioner,

-against-

Warden, Rikers Island Correctional  
Facility, et al.,

**M-5189**  
Index No. 340880/08

Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, for poor person relief and the assignment of counsel, and for related relief,

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

It is ordered that the motion denied and the writ 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 9, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
In the Matter of the Commitment of the Guardianship and Custody of

Carlos Manuel F., III,  
also known as Carlos F.,  
and Kairi Jazlyn F.,

M-5057  
Docket Nos. B2723/05  
B2724/05

Pursuant to § 384-b of the Social Services Law of the State of New York and/or Article 6 of the Family Court Act.

- - - - -  
Catholic Guardian Society,  
Petitioner-Respondent,

Carlos Manuel F., Jr.,  
Respondent-Appellant.

- - - - -  
Amanda Slater, Esq.,  
Law Guardian for the Children.

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the orders of the Family Court, New York County, both entered on or about December 4, 2006,

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

It is ordered that the motion is granted and the appeal is dismissed.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Janet Walker,  
Plaintiff-Appellant,

-against-

M-5324  
Index No. 118059/05

Hughes Hubbard & Reed, LLP,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the orders of the Supreme Court, New York County, entered on or about August 14, 2006, August 30, 2006 and September 6, 2006 and from a judgment of said Court entered on or about September 1, 2006, respectively,

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
In the Matter of the Application of  
558/560 LLC, et al.,

Petitioners-Appellants,  
For a Judgment, etc.,

**M-5034**  
Index No. 102951/07

-against-

New York City Water Board, et al.,  
Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about October 10, 2007,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 13, 2008, 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 9, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
West 64<sup>th</sup> Street, LLC and Glenwood  
Management,  
Plaintiffs-Appellants,

**M-5113**

-against-

Index No. 105557/07

Axis U.S. Insurance, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 22, 2008 (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.

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 9, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Ivelisse Eusebio,

Plaintiff-Appellant,

-against-

New York City Transit Authority,

Defendant-Respondent.  
-----X

**M-5204**  
Index No. 107265/00

Plaintiff-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 January 8, 2008 (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.

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 9, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Keith Mayo,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-5261  
Index No. 110482/07

Personnel Review Board of the  
Health and Hospitals Corporation  
and The New York City Health and  
Hospitals Corporation,  
Respondents-Appellants.

-----X

Municipal appellants 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 January 22, 2008 (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.

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 9, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
The People of the State of New York  
ex rel. Jose Rodriguez,  
Petitioner-Appellant,

-against-

Warden, et al.,  
Respondents.

M-5375  
Index No. 250548/07

-----X

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

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Eugene Nardelli  
John T. Buckley  
Helen E. Freedman, Justices.

-----X  
Business Loan Center, LLC,  
Plaintiff-Respondent,

-against-

M-4940  
Index No. 600099/06

David Cronheim Mortgage Corp.,  
Defendant,

-and-

Bayview Financial Trading Group and  
Interbay Funding, LLC.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings 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 December 6, 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 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 9, 2008.

PRESENT: Hon. Angela M. Mazzaelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Chedli Gassab,  
Plaintiff-Appellant,

-against-

M-5247  
Index No. 122439/99

R.T.R.L.L.C.,  
Defendants-Respondents.

-----X

R.T.R.L.L.C.,  
Third-Party Plaintiff,

-against-

Index No. 590217/00

Price Thomas Studios, Inc.,  
Third-Party Defendant.

-----X

Price Thomas Studios, Inc.,  
Fourth-Party Plaintiff,

-against-

Index No. 591300/00

Bronx Builders and Gorton Associates  
Incorporated,  
Fourth-Party Defendants.

-----X

R.T.R.L.L.C.,  
Second Third-Party Plaintiff,

-against-

Index No. 590113/01

Bronx Builders and Gorton Associates  
Incorporation,  
Second Third-Party Defendants.

-----X

Appeals having been taken to this Court by plaintiff-appellant Chedli Gassab from the orders of the Supreme Court New York County, entered on or about January 23, 2008 (mot. seq. no. 015) and July 7, 2008 (mot. seq. no. 016), respectively,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the April 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 9, 2008.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,  
John T. Buckley  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Susan Charney,  
Plaintiff-Respondent,

-against-

M-4771  
Index No. 24517/88

Judith Herskowitz,  
Defendant-Appellant,

North Jersey Trading Corp., et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 1, 2007,

And an order of this Court having been entered September 2, 2008 (M-3603) dismissing the aforesaid appeal,

And defendant Judith Herskowitz having moved for vacatur of the aforesaid order (M-3603) and for reinstatement of said appeal,

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

Ordered that the motion is 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 9, 2008.

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

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

William Kyle, et al.,  
Petitioners-Appellants, M-4664 & M-4734

For a Judgment, etc., Index No. 110838/07

-against-

Hon. Gerald Lebovits, JHC, et al.,  
Respondents-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 26, 2007,

And Robin H. Kyle, counsel for petitioner-appellant, having moved for an order granting him permission to appear in the above-titled action as a non-party appellant, and for related relief (M-4664),

And Robin H. Kyle having cross-moved for an order striking the opposition to his motion to appear as a non-party appellant (M-4734),

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 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 9, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

-against-

Benjamin Santiago,  
Defendant-Appellant.

**M-5231**  
Ind. No. 3998/06

-----X

An order of this Court having been entered on August 12, 2008 (M-3373), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 26, 2007,

And defendant having moved for an extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before February 23, 2009 for the May 2009 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been so returned.

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 9, 2008.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Milton L. Williams  
Helen E. Freedman, Justices.

-----X  
Michele Hannigan,  
Plaintiff-Appellant,

-against-

M-5221  
Index No. 13580/03

Claudio A. Contreras,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 4, 2007,

And an order of this Court having been entered on October 16, 2008 (M-4297) dismissing the aforesaid appeal,

And plaintiff having moved for reargument of the aforesaid order (M-4297),

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 9, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
David Friedman  
Rolando T. Acosta, Justices.

-----X  
Clark Construction Corporation,  
Plaintiff-Respondent,

Marc E. Elliot, et al.,  
Plaintiffs,

M-4829  
Index No. 122662/00

-against-

BLF Realty Holding Corp., et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 18, 2008 (Appeal Nos. 4073-4073A),

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 9, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
LaShawn P. Allen,  
Plaintiff-Respondent,

-against-

Harlem International Community School,  
Defendant-Appellant.

M-5391  
Index No. 570707/07

-----X

Defendant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about June 4, 2008,

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

Ordered that the motion is denied.

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 9, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Helen E. Freedman, Justices.

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

-against-

M-3282  
Ind. No. 4269/04

Jose Otero Luna,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 4, 2007 (Appeal No. 1627), unanimously affirming the judgment of the Supreme Court, New York County (Richard D. Carruthers, J.), rendered on January 31, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 9, 2008.

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

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

James Petty,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

**M-5468**  
Index No. 100393/08

Shaun Donovan, as Commissioner of the  
New York City Department of Housing  
Preservation and Development,  
Respondent,

Riverside Park Community LLC and  
Rvsde Park Comm II,  
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 10, 2008 (mot. seq. no. 001), to review a determination of respondent Commissioner,

And respondent, Riverside Park Community LLC, having moved to vacate the stay of eviction afforded petitioner by a stipulation of the respective parties, so-ordered September 3, 2008,

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

It is ordered that the motion to vacate the aforesaid stay of eviction is granted unless petitioner perfects the proceeding for the March 2009 Term and continues to pay pre-action rent. Upon failure to so perfect, an order vacating

said stay may be entered ex parte, provided that respondent serves a copy of this order upon petitioner within 10 days after the date of entry hereof. Upon petitioner's failure to remain current in rent obligation respondent may move on notice to vacate the stay. (See M-5469, M-5470, M-5472 and M-5580, decided simultaneously herewith.)

ENTER:

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

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 9, 2008.

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

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

Phyllis Reaves,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

**M-5469**  
Index No. 406855/07

Shaun Donovan, as Commissioner of the  
New York City Department of Housing  
Preservation and Development,  
Respondent,

Riverside Park Community LLC and  
Rvsde Park II,  
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 30, 2008 (mot. seq. no. 001), to review a determination of respondents,

And respondent, Riverside Park Community LLC, having moved to vacate the stay of eviction afforded petitioner by stipulation of the respective parties, so-ordered February 6, 2008,

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

It is ordered that the motion to vacate the aforesaid stay of eviction is granted unless petitioner perfects the proceeding for the March 2009 Term and continue to pay pre-action rent. Upon failure to so perfect, an order vacating said stay may be entered ex parte, provided respondent serves a copy of this order upon petitioner within 10 days after the date of entry hereof. Upon petitioner's failure to remain current in rent obligation respondent may move on notice to vacate the stay. (See M-5468, M-5470, M-5472 and M-5580, decided simultaneously herewith.)

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 9, 2008.

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

-----X  
In the Matter of the Application of  
Celida Silva,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

**M-5470**  
Index No. 400641/08

The New York City Department of Housing  
Preservation and Development and Shaun  
Donovan, etc.,  
Respondents,

Metro North Owners, LLC,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 28, 2008 (mot. seq. no. 001), to review a determination of respondent Commissioner,

And respondent, Metro North Owners, LLC, having moved to vacate the stay of eviction afforded petitioner by stipulation of the respective parties, so-ordered on March 27, 2008,

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

It is ordered that the motion to vacate the aforesaid stay of eviction is granted unless petitioner perfects the proceeding for the March 2009 Term and continues to pay pre-action rent. Upon failure to so perfect, an order vacating said stay may be entered ex parte, provided respondent serves a copy of this order upon petitioner within 10 days after the date of entry hereof. Upon petitioner's failure to remain current in rent obligation respondent may move on notice to vacate the stay. (See M-5468, M-5469, M-5472 and M-5580, decided simultaneously herewith.)

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 9, 2008.

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

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

Andrea Guity,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

**M-5472 & M-5580**  
Index No. 400806/08

The New York City Department of Housing  
Preservation and Development and Shaun  
Donovan, etc.,  
Respondents,

KNW Apartments, LLC,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 3, 2008 (mot. seq. no. 001), to review a determination of respondents,

And respondent, KNW Apartments, LLC, having moved to vacate the stay of eviction afforded petitioner by stipulation of the respective parties, so-ordered February 6, 2008 (M-5472),

And petitioner having cross-moved for a stay of Civil Court non-payment proceedings with respect to the aforesaid so-ordered stipulation (M-5580),

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

It is ordered that the motion to vacate the aforesaid stay of eviction is granted unless petitioner perfects the proceeding for the March 2009 Term and continues to pay pre-action rent. Upon failure to so perfect, an order vacating said stay may be entered ex parte, provided respondent serves a copy of this order upon petitioner within 10 days after the date of entry hereof. Upon petitioner's failure to remain current in rent obligation, respondent may move on notice to vacate the stay. The cross motion is granted to the extent indicated. (See M-5468, M-5469 and M-5470, decided simultaneously herewith.)

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 9, 2008.

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

-----X  
Citidress II, also known as  
Citidress II Corp., as assignee  
of Eastbank, N.A., formerly known  
as First Eastern Bank, N.A.,  
Plaintiff-Appellant-Respondent,

**M-4799**  
Index No. 121848/99

-against-

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

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

-----X  
207 Second Avenue Realty Corp.,  
et al.,  
Counterclaim-Plaintiffs,

-against-

Citidress II, also known as  
Citidress II Corp., etc.,  
Counterclaim-Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 24, 2007 (mot. seq. no. 023), and said appeal and cross appeal having been perfected for the January 2009 Term of this Court,

And non-party respondent-appellant, Hinshaw & Culbertson LLP, having moved for an order enlarging the record on appeal to include the affirmation of Richard Supple, dated August 10, 2007, filed with the moving papers as Exhibit G thereto.

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

It is ordered that the motion is granted and non-party respondent-appellant is directed to serve and file 10 copies of a supplemental record on appeal within 10 days of the date of entry of this order, without prejudice to plaintiff presenting objections to the Court at the time of argument that such material should not be included in 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 9, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Milton L. Williams, Justices.

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

-against-

M-3786  
Ind. No. 3038/96

Trevor Burns,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 31, 2005 (Appeal No. 6194), unanimously affirming the judgment of the Supreme Court, New York County (George B. Daniels, J.), rendered on September 9, 1997,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 9, 2008.

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

-----X  
The People of the State of New York  
ex rel. Javon Dowling,  
Petitioner,

-against-

M-5409  
Ind. No. 10116/07

Carmine Labruzzo, Warden,  
G.R.V.C. Correctional Center,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from 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 be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Kings County, 360 Adams Street, Brooklyn, New York 11201, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at George R. Vierno Correctional Center, 09-09 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Kings County, Renaissance Plaza, 350 Jay Street, Brooklyn, New York 11201, be deemed due and sufficient notice.

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 9, 2008.

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

-----X  
Tamiko Williams,  
Plaintiff-Appellant,

-against-

M-4859  
Index No. 1144/07

George Torres, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 28, 2007,

And defendants-respondents having moved for an order striking the aforesaid appeal for failure to timely prosecute,

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Helen E. Freedman, Justices.

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

M-5250

-against-

Ind. No. 6622/05

Michael Jacob,  
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 November 21, 2006, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Gregory Watts, Esq., and to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2008.

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

-----X  
In the Matter of a Proceeding  
Under Article 6 of the Family Court Act.

Nusrat C.,  
Petitioner-Respondent,

M-4830  
Docket No. V27626/06

-against-

Muhammad R.,  
Respondent-Appellant.

-----X

Petitioner-respondent mother having moved for leave to respond, as a poor person, to the consolidated appeals taken from the orders of the Family Court, Bronx County, entered on or about December 27, 2008 and August 8, 2008, respectively, and for assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516)921-8800 as counsel for purposes of responding to the consolidated appeals; (2) permitting movant to respond to the consolidated appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court. Assigned counsel is directed to contact respondent-appellant's counsel with respect to obtaining a copy of the transcript.

E N T E R:

  
Clerk.

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

BEFORE: Hon. JAMES M. MCGUIRE  
Justice of the Appellate Division

-----X

The People of the State of New York,

Respondent-movant,

M- 5642

Ind. No. 3629/04

-against-

James Kadarko,

Defendant.

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

-----X

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

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

  
Justice of the Appellate Division

Dated: November 26, 2008  
New York, New York

ENTERED: DEC 09 2008

\*Description of Order:

Supreme Court, Bronx County, entered on November 2, 2006.  
App. Div., First Dept., Appeal No. 4090, Revd on October 9, 2008.

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

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-5308  
Ind. No.6247/1995

-against-

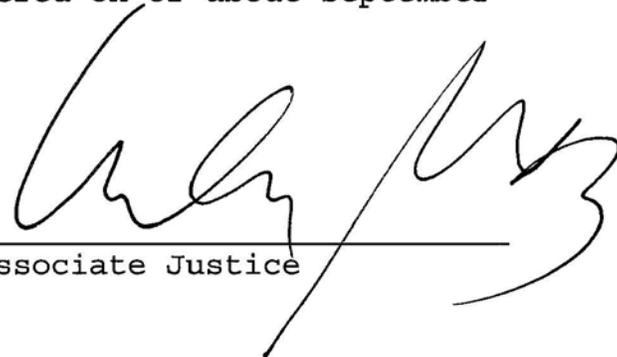
CERTIFICATE  
DENYING LEAVE

Juan Diaz aka Francisco Liranzo

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and related relief, 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, Bronx County, entered on or about September 15, 2008, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: *December 1, 2008*  
New York, New York

ENTERED: **DEC 09 2008**