

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 11, 2008.

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

-----X

Karen Suss,

Plaintiff-Appellant,

-against-

M-5575X
Index No. 603532/07

Simon Posen,

Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 11, 2008.

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

-----X

Joshua Strickon,

Plaintiff-Respondent,

-against-

M-5576X
Index No. 650155/07

Kargo Global, Inc.,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 4, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 11, 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,

-against-

William Lopez,

Defendant-Appellant.
-----X

M-5145
DC #49
Ind. No. 4949/01

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 27, 2002,

And said appeal not having been brought on for argument 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 there being no response thereto,

Now, upon the Court's own motion,

It is ordered that the aforesaid 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 11, 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-5359
Ind. No. 2915/06

Jean Paul Donoso,
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 11, 2007, 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 11, 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-5361
Ind. No. 1794/07

Larnell Hughes,
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 26, 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 11, 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-5367
Ind. No. 8100/02

Laharbi Sanchez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 30, 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 resentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 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-5369
Ind. No. 4421/07

Kenneth Stanley,
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 7, 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 11, 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-5370
Ind. No. 1734/03

Edward Thomas,
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,

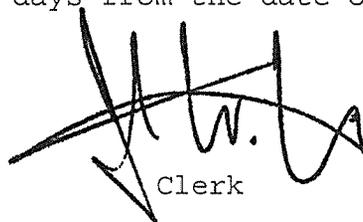
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 11, 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-5371
Ind. No. 3947/07

Andre Rivera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 17, 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 11, 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-4981
Ind. No. 1243/04

Ansari O'Neal,
Defendant-Appellant.

-----X

Defendant having moved for an extension 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 24, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

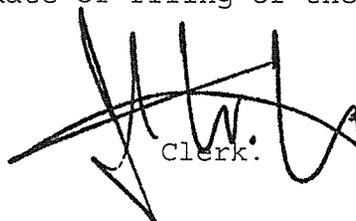
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Tel. 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 11, 2008.

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

-----X
Silverite Construction Co. Inc., et al.,
Plaintiffs-Appellants,

-against-

M-5100
Index No. 603379/06

OneBeacon Insurance Company, as
successor to American Specialty
Insurance Company, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 31, 2008 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, the stipulation of the parties hereto, dated November 12, 2008, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 11, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton L. Williams
James M. McGuire
Helen E. Freedman, Justices.

-----X
Samantha Carroll, et al.,
Plaintiffs-Appellants,

-against-

M-5240
Index Nos. 109293/02
590007/06

Nostra Realty Corporation,
Defendant-Respondent.

[And a Third Party Action]

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 23, 2008 (Appeal No. 4112N),

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 11, 2008.

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

-----X
David Kenig,
Plaintiff-Appellant,

-against-

M-4988
Index No. 119128/06

Rada Electronic Industries Ltd.,
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, New York County, 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 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 11, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
Luis A. Gonzalez
Eugene Nardelli, Justices.

-----X

Amber Lee Lamanna,
Plaintiff-Appellant,

-against-

M-3570
Index No. 21101/00

Joseph Jankowski, et al.,
Defendants-Respondents.

-----X

Defendants-respondents Diakite Ouskeine and France Croissant, Ltd. 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 June 17, 2008 (Appeal No. 3438),

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 11, 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-5364
Ind. Nos. 2109/08
4346/07

Anthony Quinones, also known as
Eric Rodriguez,
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 August 28, 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. (See M-5366, decided simultaneously herewith.)

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 11, 2008.

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

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

-against-

M-5366
Ind. Nos. 4346/07
2109/08

Eric Rodriguez, also known as
Anthony Quinones,
Defendant-Appellant.

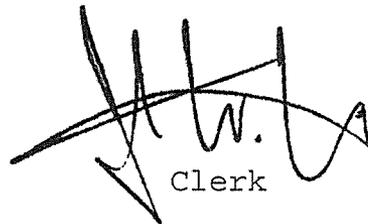
-----X

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 August 28, 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 denied as unnecessary. (See M-5364, decided simultaneously herewith.)

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 11, 2008.

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

-----X

In the Matter of

Matthew Niko M., also known as
Matthew M.,

M-4952
Docket No. B14851/07

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

Catholic Guardian Society & Home
Bureau, et al.,
Petitioners-Respondents,

Niko M.,
Respondent-Appellant.

Mark Leider, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X

Respondent-appellant 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, 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 therefor¹; (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.

¹Service 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 11, 2008.

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

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

-against-

M-5275
Ind. No. 6003/01

Allen Moye,
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about October 31, 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 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 11, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Marcia F. Russell,
Plaintiff-Respondent,

-against-

M-5616
Index No. 6418/06

Wayne A. Mitchell, et al.,
Defendants,

-and-

Daryl S. Paynter,
Defendant-Appellant.

-----X

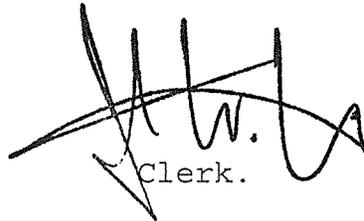
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 14, 2008,

And defendant-appellant 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 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 11, 2008.

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

-----X
Ace Fire Underwriter's Insurance
Company, etc., et al.,
Plaintiffs-Appellants,

-against-

M-5323
Index No. 600133/06

ITT Industries, Inc., etc., et al.,
Defendants,

Liberty Mutual Insurance Company,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on October 7, 2008 (Appeal No. 4189),

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 11, 2008.

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

-----X
Dasheem Owens, an infant, under the age of fourteen (14) years, by his Mother and Natural Guardian, Roxanne Henry,
Plaintiffs-Respondents,

-against-

M-5120
Index No. 20929/03

The City of New York,
Defendant-Appellant.

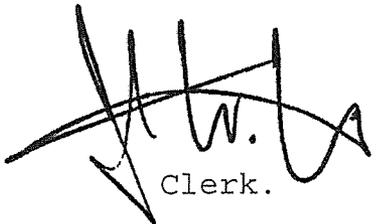
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 23, 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 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 11, 2008.

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

-----X
Accounting of Morton A. Smith and
Jerome Silverman, as Surviving
Executors of the Estate of

Edward Hyman,
Deceased.

Morton A. Smith and Jerome Silverman,
Appellants,

M-5356
File No. 2245/1982

Hall Dickler, LLP, et al.,
Respondents.
-----X

Appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about February 1, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 11, 2008.

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

-----X
Ruchama Gamiel,
Plaintiff-Respondent,

M-5481
Index No. 603887/02

-against-

Curtis & Riess-Curtis, P.C., et al.,
Defendants-Appellants.

-----X
[And a third-party action]
-----X

Index No. 590268/04

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 4, 2008,

And defendants-appellants 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 11, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

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

-against-

M-5179
Ind. No. 3721/04

Melvin Glass,
Defendant-Appellant.

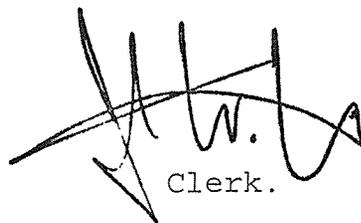
-----X

Respondent People having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 25, 2005,

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.

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 11, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X
Cathryn Santana,
Plaintiff-Appellant,

-against-

M-5338
Index No. 101406/02

11-13 Avenue D Associates, et al.,
Defendants-Respondents.
-----X

[And a third-party action]
-----X

Index No. 590394/02

Defendants/third-party plaintiffs-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about November 7, 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 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 11, 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-

M-5096
Ind. No. 357/08

Titus McBride,
Defendant-Appellant.

-----X

Defendant-appellant 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 20, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for the assignment of Eric E. Rothstein, Esq., as counsel to prosecute the aforesaid appeal, and for a continuation of the stay of execution of sentence granted in the aforesaid judgment pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted 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.

Eric E. Rothstein, Esq., 11 Park Place, Suite 1801, New York, New York 10007, Telephone No. 212-385-8015, is assigned as counsel for defendant-appellant for purposes of the appeal. The stay of execution of sentence is continued on condition the appeal is perfected for the June 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 11, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
James M. McGuire, Justices.

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

-against-

M-4424
Ind. No. 2399/02

Jose Santiago,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on October 17, 2006 (Appeal No. 9274), unanimously affirming the judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on February 20, 2004,

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 11, 2008.

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

-----X
Neftali Mendoza,
Plaintiff-Appellant,

-against-

M-5026
Index No. 115242/03

The City of New York and
New York City Police Department,
Defendants-Respondents.

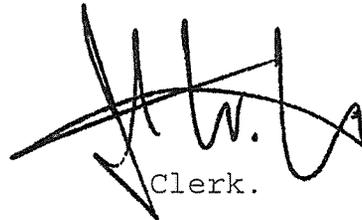
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 17, 2007 (mot. seq. no. 004),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to 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 11, 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

Jazmin A.,

Respondent-Appellant,

M-5194
Docket No. D4540/08

A Person Alleged to Be Juvenile
Delinquent.

-----X
In the Matter of

Samuel R.,

Respondent-Appellant,

Docket No. D23385/06

A Person Alleged to Be Juvenile
Delinquent.

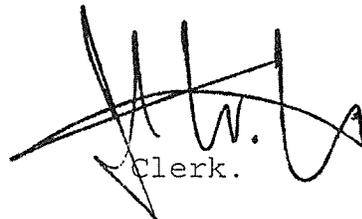
-----X

Respondents-appellants having moved for consolidation of the appeals taken from the orders of the Family Court, Bronx County, entered on or about April 16, 2008 (D4540/08), and two orders of said Court entered on or about April 18, 2008 and April 28, 2008 (D23385/06), 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 directing the Clerk to calendar the appeals for hearing together.

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 11, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Norman Christian K., also known as
Norman K., also known as Norman B.,

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

M-5249
Docket No. B15879/05

Saint Dominic's Home, et al.,
Petitioners-Respondents,

Derrick B.,
Respondent-Appellant.

Steven Banks, Esq.,
Law Guardian for the Child.

-----X

Petitioners-respondents having moved to dismiss the appeal from the order of the Family Court, Bronx County, entered on or about September 5, 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 denied and the appeal deemed perfected for the January 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 11, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X
Mortgage Electronics,
Plaintiff-Respondent,

-against-

M-5276
Index No. 15295/00

Orinthia Gifford,
Defendant-Appellant,

The New York State Commissioner of
Taxation and Finance, et al.,
Defendants.

-----X

Defendant-appellant having moved for a summary reversal of the order of the Supreme Court, Bronx County, entered on or about March 3, 2008 and for related relief with respect to title to the premises known as 4160 Digney Avenue, Bronx, New York 10466,

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 deemed one for relief in the nature of a preliminary appellate injunction pursuant to CPLR 5518, and as such, 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 11, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

M-5270
Ind. No. 2154/07

Robert Nestingen,
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 March 6, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

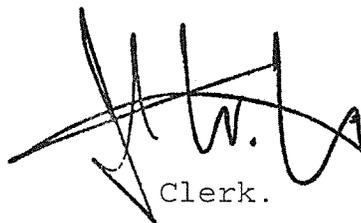
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


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 11, 2008.

Present : Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
James M. Catterson
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

-against-

M-4423

Ind. No. 388/03

Robisson Santos,

Defendant.

-----X

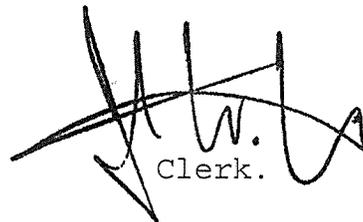
An order of this Court having been entered on July 8, 2008 (M-6522), dismissing defendant's appeal taken from the judgment of the Supreme Court, Bronx County, rendered on July 14, 2004,

And defendant having moved for reinstatement of the aforesaid dismissed appeal or, in the alternative, for a writ of error coram nobis and 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 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 11, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Eugene Nardelli
James M. McGuire
Karla Moskowitz, Justices.

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

-against-

M-3800
Ind. No. 5059/84

Anthony Peterson,
Defendant-Appellant.

-----X

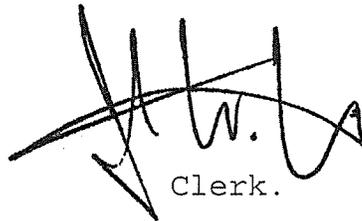
A decision and order of this Court having been entered on December 2, 1986 (Appeal Nos. 28385-85A), unanimously affirming the judgment of the Supreme Court, New York County (Edwin Torres, J.), rendered on June 29, 1985,

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 11, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Milton L. Williams
Karla Moskowitz, Justices.

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

-against-

M-3964
Ind. No. 8054/93

Ron Summers, also known as
Justin Jones,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 12, 1998 (Appeal No. 1139), unanimously affirming the judgment of the Supreme Court, Bronx County (Robert Seewald, J., at suppression hearing; Steven Lloyd Barrett, J., at jury trial and sentence), rendered on October 27, 1995,

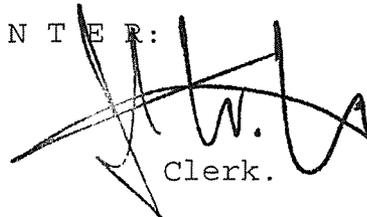
And an order of this Court having been entered on July 15, 2008 (M-2158), denying defendant's motion, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

And defendant having moved for reargument of the aforesaid order (M-2158),

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 11, 2008.

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

-----X
Samuel Young,
Plaintiff-Appellant,

-against-

James Allen and Mary Allen,
Defendants-Respondents.

M-5476
Index No. 108354/99

-----X

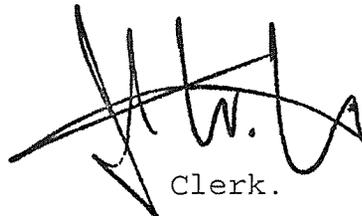
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 1, 2006,

And plaintiff-appellant having moved for an order striking respondents' 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 denied. Sua sponte, the hearing of the appeal is stayed pending issuance of letters of administration to surviving respondent James Allen.

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 11, 2008.

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

-----X
1725 York Venture,
Petitioner-Appellant,

-against-

Michael Block and Nomi Block,
Respondents-Respondents.

M-5603
Index No. 570327/06

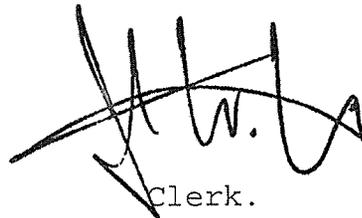
-----X

Petitioner-appellant having moved pursuant to CPLR 5519(c) for a continuation of an Appellate Term stay pending hearing and determination of the appeal 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 May 8, 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 continuing the stay ordered by the Appellate Term in the order dated September 10, 2008, on condition that petitioner posts an undertaking in the amount of \$7,200 within 10 days of the date of service upon petitioner of a copy of this order. Should appellant fail to so post the undertaking respondents may enter an ex parte order vacating the aforesaid stay, provided that respondents serve a copy of this order upon appellant 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 11, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Luis A. Gonzalez
Eugene Nardelli
Helen E. Freedman, Justices.

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

M-4130
Ind. Nos. 6428/02
4148/04

-against-

Anthony Pratt,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 12, 2007 (Appeal Nos. 766-766A), unanimously affirming the judgment of the Supreme Court, New York County (Michael R. Ambrecht, J. on speedy trial motion; Ronald A. Zweibel, J. at suppression hearing, jury trial and sentence), rendered on September 9, 2004,

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 11, 2008.

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

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

-against-

M-5341
Ind. No. 2183/07

Bienvenido Collado,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 31, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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 11, 2008.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Lawrence P. Berlinger,
Plaintiff-Respondent,

-against-

M-5504
Index No. 113433/05

Cornell Medical Associates,
Defendant,

-and-

Ronald B. Kraft, et al.,
Defendants-Appellants,

-and-

John C. McCabe, et al.,
Defendants,

Nolan Karp, M.D., et al.,
Defendants.

-----X

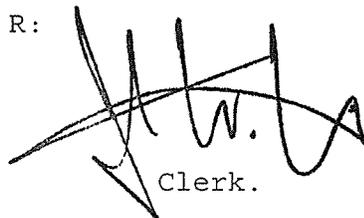
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 20, 2008 (mot. seq. no. 003),

And defendants-appellants Ronald B. Kraft and Cornell University having moved for an order enlarging the record on appeal to include a memorandum of law, Exhibit B to the moving papers,

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 appellants are directed to file 10 copies of a supplemental record consisting of said exhibit and a copy of this order forthwith.

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 11, 2008.

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

-----X
IRB-Brasil Resseguros, S.A.,
Plaintiff-Respondent,

-against-

M-5515
Index No. 604449/06

Portobello International Limited,
et al.,
Defendants-Appellants,

Usati-Portobello ABPS Ltda.,
Non-Party Appellant.

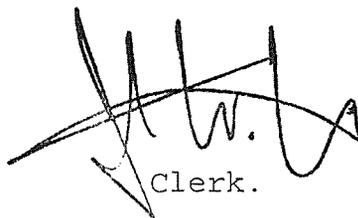
-----X

Appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about September 30, 2008, pending hearing and determination of the appeal taken therefrom, and for an expedited briefing and hearing schedule,

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

It is ordered that so much of the motion which seeks a stay is denied and the motion is otherwise denied without prejudice to the perfection of the appeal for the February 2009 Term and the Clerk is directed to calendar the appeal for hearing in the first week of said February 2009 Term as indicated in the order of a Justice of this Court dated November 17, 2008.

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 11, 2008.

Present - Hon. Luis A. Gonzalez, Justice Presiding,
Milton L. Williams
James M. Catterson
Karla Moskowitz, Justices.

-----X

George Kralik, et al.,
Plaintiffs-Respondents,

-against-

M-4686
Index No. 107822/98

239 East 79th Street Owners Corp.,
Defendant-Appellant.

- - - - -

Council of New York Cooperatives,
Amicus Curiae.

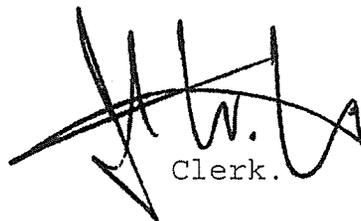
-----X

Defendant-appellant 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 August 12, 2008 (Appeal No. 3239),

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 11, 2008.

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

-----X
Flora Soto Hernandez, also known as
Flora Soto,

Plaintiff,

-against-

M-5226
Index. No. 125594/02

Estate of Ziess,

Defendant.

-----X

Plaintiff having moved for leave to prosecute, as a poor person, an appeal taken from the order of the Supreme Court, New York County, entered on or about December 10, 2007, 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 as academic, said appeal having been dismissed by the order of this Court entered on November 20, 2008 (M-4936/M-5016).

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 11, 2008.

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

-----X
Yorkville 82, LLC,
Petitioner-Landlord-Respondent,

-against-

M-4889
Index No. 570328/07

Edelmira Ruiz,
Respondent-Tenant-Appellant.
-----X

Respondent-tenant-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 30, 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

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

-----X

The People of the State of New York,
Respondent,

M-4153
Ind. No. 3481/2004

-against-

CERTIFICATE
GRANTING LEAVE

Mario Colon,
Defendant-Appellant.

-----X

I, Peter Tom, 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, Bronx County, entered on or about July 28, 2008.¹

Dated: December 4, 2008
New York, New York



Hon. Peter Tom
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.

¹In 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.