

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 18, 2008.

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

-----X
Lyanne Carl Dowling,
Plaintiff-Appellant,

-against-

M-5707X
Index No. 104278/04

William Q. Dowling and
Annette Dowling,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 29, 2008 (mot. seq. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 2, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 2008.

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

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

-against-

Robert J. Laws,
Defendant-Appellant.

M-5432
Ind. Nos. 2768/07
2769/07

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 2, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 2008.

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

-----X
Alida Rodriguez,
Plaintiff-Appellant,

-against-

M-5412
Index No. 15703/99

Ford Motor Company, et al.,
Defendants-Respondents.
-----X

Plaintiff 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 October 15, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2009 Term with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

-----X
James Wilson,
Plaintiff-Appellant,

-against-

M-5656
Index No. 115305/97

The City of New York,
Defendant,

Metropolitan Transportation
Authority, et al.,
Defendants-Respondents.

-----X
(And other actions)

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 February 15, 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 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 18, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of

Kimberly M.,

A Child Under 18 Years of Age
Alleged to be Abused/Neglected,

M-5094
Docket No. N11760/04

Administration for Children's Services,
Petitioner-Respondent,

Nancy L.,
Respondent-Appellant,

Bienvenido M.,
Non-Party Respondent.

Doris McCann, Esq.,
Law Guardian for the Child.

-----X
An appeal having been taken by respondent mother, from an order of the Family Court, New York County, entered on or about May 8, 2008,

And an order of this Court having been entered on September 16, 2008 (M-3599), granting respondent mother, poor person relief, including the assignment of counsel to prosecute her appeal,

And non-party respondent father having moved for poor person relief, including the assignment of counsel to respond to the mother's appeal, 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, Ira M. Pesserilo, Esq., 110 Wall Street, 11th Floor, New York, NY 10005-3815, Telephone No. 917-499-3669, as counsel to respond to the appeal of the mother. Counsel is directed to contact appellant's counsel with respect to obtaining a copy of the transcript. (See M-3599 entered September 16, 2008, a copy of which is annexed hereto.)

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 September 16, 2008.

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

-----X
In the Matter of

Kimberly M.,

A Child Under 18 Years of Age Alleged
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

Administration for Children's Services, M-3599
Petitioner-Respondent, Docket No. N11760/04

Nancy L.,
Respondent-Appellant.

Doris McCann, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant mother 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 May 8, 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 57th 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 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.

E N T E R:



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 18, 2008.

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

-----X

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

Nadine L. and
Natalie L.,

Children Under the Age of 18 Years
Pursuant to Section §384-b of
the Social Services Law of the
State of New York.

M-5015
Docket Nos. B-11269/06
B-11270/06

Edwin Gould Services for
Children and Families,
Petitioner-Respondent,

Joseph L.,
Respondent-Appellant,

Kristen Kimmel, Esq.,
Lawyers for Children, Inc.,
Law Guardian for the Child.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about September 12, 2008,

And respondent-appellant father having moved, for poor person relief, assignment of counsel, 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, Ira M. Pesserilo, Esq., 110 Wall Street, 11th Floor, New York, NY 10005-3815, Telephone No. 917-499-3669, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor¹ within 60 days of service of a copy of this order upon the Clerk; (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 18, 2008.

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

-----X
Julissa Delgado, Luz Santos, Ada
Bruno and Stephen Melish, Jr.,
Individually and in his capacity
as President of Local Union 1969,
Civil Service Employees, District
Council 9, I.U.P.A.T., AFL-CIO,
Petitioners-Appellants,

M-5473
Index No. 303139/08

For an Order Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

The above-named petitioners-appellants, in connection with the appeal from an order of the Supreme Court, Bronx County, entered on or about September 26, 2008, having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518 barring certain actions by the New York City Housing Authority, pending hearing and determination of the appeal taken from the aforesaid order,

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 18, 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-4860
Ind. No. 797/01

Manuel Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the amended judgment of **resentence** 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,

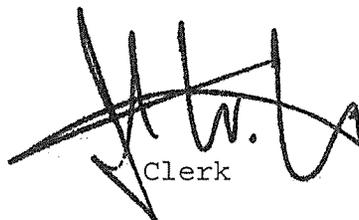
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 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-5294
Ind. No. 4512/02

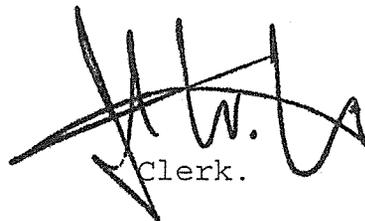
Steven Darbasie,
Defendant-Appellant.

-----X
Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 12, 2003, having moved for an enlargement of time in which to file a pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before March 23, 2009 for the June 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the arraignment held on August 1, 2002, if available, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 18, 2008.

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

-----X
Andamion Murataj,
Plaintiff-Appellant,

-against-

M-5418
Index No. 400095/06

Dream Dragon Productions, Inc.,
et al.,
Defendants-Respondents.
-----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 May 4, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2009 Term with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 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-5293
Ind. No. 4363/06

George Hayes,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time in which to file his pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 2007; and copies of colorized photos of certain of the People's exhibits on the record and a bank statement addressed to appellant, for use in preparing said 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 the People to provide defendant-appellant, via appellate counsel, copies of the requested materials as more fully set forth in paragraph 4 of the defendant's affirmation in support of the motion. Defendant is directed to serve and file 10 copies of his pro se supplemental brief on or before March 23, 2009 for the June 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 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 18, 2008.

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

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

M-5402
Docket Nos. V15527/06
V15528/06

- - - - -
Solangee Z.,

Petitioner-Respondent,

-against-

Kahir M. E.,

Respondent-Appellant.
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about December 20, 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 with leave to renew upon submission of an affidavit of indigency in compliance with CPLR 1101, and proof of service of the motion upon petitioner-respondent and upon the children's law guardian.

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 18, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Milton L. Williams
Karla Moskowitz
Helen E. Freedman, Justices.

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

-against-

M-5425
Ind. No. 2122/07

Kevin Smith,
Defendant-Appellant.

-----X
Defendant-appellant 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 11, 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, setting forth his indigency pursuant to CPLR 1101(a), including the sources of funds used to post the \$5,000 bail in the Supreme Court, the disposition thereof, 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.)

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 18, 2008.

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

-----X
Edith Harari,

Plaintiff-Respondent,

-against-

Donald Davis,

Respondent-Appellant.
-----X

M-5337

Index No. 350623/06

An order of this Court having been entered on March 13, 2008 (M-795), denying respondent-appellant's motion to stay certain proceedings, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 13, 2007 (mot. seq. no. 001),

And respondent-appellant having moved for reargument of the aforesaid order of this Court,

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

It is ordered that the motion is denied.

ENTER:


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 18, 2008.

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

-----X
Laura Govan,
Plaintiff-Appellant,

-against-

M-5441
Index No. 14666/94

FT. Sheri Realty Co.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 16, 2008,

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

It is ordered that the motion is granted 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 18, 2008.

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

-----X
Ralph Savino and Rosalie Savino,
Plaintiffs-Appellants,

-against-

M-4843
Index No. 14204/99

The City of New York,
Defendant-Respondent.

-----X

Defendant-respondent having moved to strike the brief and appendix and for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 18, 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 granted, the appeal stricken from the calendar and 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 18, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Luckner Bazne and Edith Bazne,
Plaintiffs-Appellants,

-against-

M-5484
Index No. 102071/06

The Port Authority of New York and
New Jersey and Otis Elevator Company,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 8, 2008 (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 the time in which to perfect the appeal to the April 2009 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Brian Gerlach,
Plaintiff-Appellant,

-against-

M-5483
Index No. 303046/07

The Metropolitan Transportation
Authority and Metro-North Commuter
Railroad,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 25, 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 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 18, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
An Application by
Tamir Smith,

Petitioner-Appellant,

Pursuant to CPLR 405 for Leave to M-4920
File Nunc Pro Tunc a Notice of Claim Index No. 113241/07

-against-

The City of New York,

Respondent-Respondent.
-----X

Petitioner 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 October 31, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2009 Term with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X

In the Matter of the Application of

Leighton Spaulding 94A1026,
Petitioner,

For a Judgment, etc.,

M-5328
Index No. 250338/08

-against-

Robert Johnson, District Attorney,
Bronx County,

Respondent.

-----X

An order and judgment (one paper) of the Supreme Court, Bronx County, having been entered on or about August 8, 2008, denying and dismissing petitioner's Article 78 proceeding,

And petitioner having moved for poor person relief including the assignment of counsel with respect to a prospective appeal to be taken from the aforesaid order and judgment (one paper),

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 18, 2008.

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

-----x
Zulma Betancourt and Jermaine Betancourt,
Plaintiffs-Respondents,

-against-

M-5374
Index No. 26764/02

New York City Transit Authority,
Manhattan and Bronx Surface Transit
Operating Authority and Jean Laine,
Defendants-Appellants.

-----x

Appeals having been taken to this Court by defendants-appellants from judgments of the Supreme Court Bronx County, entered on or about January 15, 2008 and February 5, 2008, respectively,

And defendants-appellants 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 appellants points covering the appeals and 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 18, 2008.

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

-----X
Hedef Konfeksiyon Ve Tekstil Dis
Ticaret A.S. and Sev-Kon Tekstil
Sanayi Ve Dis Ticaret LTD.STI,
Plaintiffs-Appellants,

-against-

M-5278
Index No. 103814/05

JBM International, LLC,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect their appeal from a judgment of the Supreme Court, New York County, entered on or about February 19, 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 18, 2008.

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

-----X
Joseph Armacida,
Plaintiff-Appellant,

-against-

M-5461
Index No. 108517/04

D.G. Neary Realty Ltd., and
Thomas J. Wray, Jr.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about January 14, 2008 (mot. seq. no. 003), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time in which to perfect said appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal on or before February 2, 2009 for the April 2009 Term, with no further enlargements to be granted. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 2008.

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

-----X
Phyllis J. Sirico and Peggy S.
Davidson,
Plaintiffs-Appellants,

-against-

M-5288
Index No. 604403/05

F.G.G. Productions, Inc.,
Defendant-Respondent.
-----X

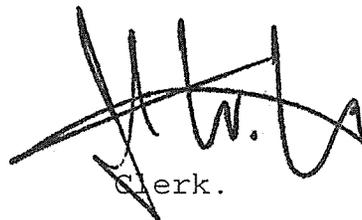
Separate appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 4, 2008 (mot. seq. no. 001) and August 22, 2008 (mot. seq. no. 003), respectively,

And plaintiffs-appellants having moved for consolidation of the aforesaid appeals and for an enlargement of time in which to perfect same,

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 consolidated appeals upon 10 copies of one record and of one set of appellants' points covering the appeals. The time in which to perfect said consolidated appeals is enlarged 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 18, 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

Rudranau Toolasprashad,

Petitioner-Respondent,

M-5379

For a Judgment Under Article 78
of the Civil Practice Law and Rules,

Index No. 109964/06

-against-

Raymond W. Kelly, etc., et al.,

Respondents-Appellants.
-----X

Respondents having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 13, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 2009 Term, with leave to seek further enlargements if necessary.

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 18, 2008.

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

-----X
Jennifer McHugh,
Petitioner-Appellant,

To Compel Trustees to Render and Settle Accounts of their Proceedings as Trustees of the Weissman Family Revocable Trust, and any other trusts, and as authorized representatives (i) of any other accounts purported to be created or settled by Respondents and/or Leona Weissman, the decedent, for the benefit of Respondents, the decedent, and/or Petitioner, and/or to which the decedent's assets may have been transferred or be subject and (ii) for any of the other assets of the decedent or in which Petitioner may have an interest.

M-5342
Index No. 105629/06

-against-

Matthew Weissman and Carolyn Seltzer,
Merrill Lynch Bank USA and UBS
Financial Services, Inc.
Respondents-Respondents.

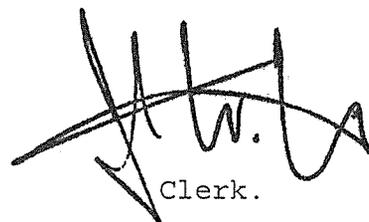
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 7, 2008,

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

It is ordered that the motion is 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 18, 2008.

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

-----X
Stuart Bitterman, M.D.,
Plaintiff-Respondent,

-against-

M-5427
Index No. 118689/06

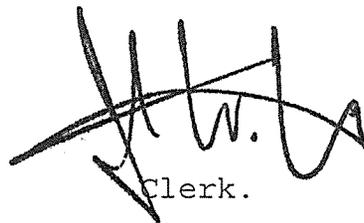
Metropolitan Life Insurance Company,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about November 20, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 18, 2008.

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

-----X

Joel Thome,

Plaintiff-Appellant,

-against-

M-5482

Index No. 600823/07

Alexander and Louisa Calder Foundation,
et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 29, 2008 (mot. seq. no. 001),

And plaintiff-appellant having moved for an order enlarging the record on appeal to include a certain magazine article,

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 in the County of New York on December 18, 2008.

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

-----X
Marjorie Carmelia,

Plaintiff-Respondent,

-against-

M-4911
Index No. 107548/07

Milton Kelmans, D.D.S.,

Defendant-Appellant.
-----X

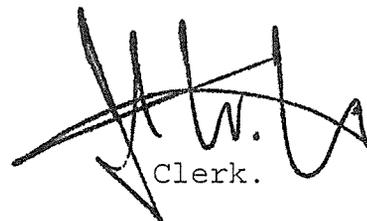
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 20, 2008 (mot. seq. no. 001),

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 the correspondence from defendant's counsel dated November 24, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 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-5335
Ind. No. 4069/07

Willie Harris,
Defendant-Appellant.

-----X

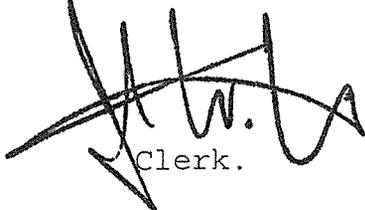
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 21, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for 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 granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 18, 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-5365
Ind. No. 226/96

Darryl Robinson,
Defendant-Appellant.

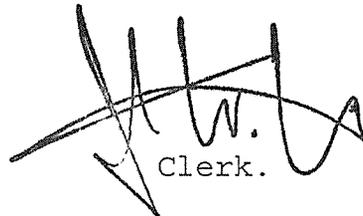
-----X

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 22, 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, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Abramson & Morak and to post the \$10,000 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 18, 2008.

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

-----X
Kathleen Azzaro,
Plaintiff-Appellant,

-against-

M-5523
Index No. 115949/05

Super 8 Motels, Inc., et al.,
Defendants-Respondents.

-----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 November 13, 2007 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2009 Term with no further enlargements to be granted.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 2008.

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

-----X
Jeanette Santiago, as the
mother and natural guardian of
Ramon Orlando Toro Santiago,
an infant, and Jeanette Santiago,
Individually, M-5388
Plaintiffs-Respondents, Index No. 24656/03

-against-

The City of New York, et al.,
Defendants-Appellants.

-----X
Defendants-appellants 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 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 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 18, 2008.

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

-----X
In the Matter of

Kareen B.,

A Person Alleged to be a Juvenile
Delinquent,

M-5406
Docket No. E10257/05

Respondent-Appellant.
-----X

Appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Family Court, New York County, entered on or about November 9, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 18, 2008.

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

-----X

Dawn M. Caltenco,

Plaintiff-Respondent,

-against-

M-5389

Index No. 20815/00

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 October 20, 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 18, 2008.

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

-----X
Maria Deleon,
Plaintiff-Appellant,

-against-

M-5230
Index No. 8793/04

New York City Housing Authority,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about November 28, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 18, 2008.

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

-----X
EVP Fourth Corp., et al.,
Plaintiffs-Appellants,

-against-

M-5569
Index No. 601094/06

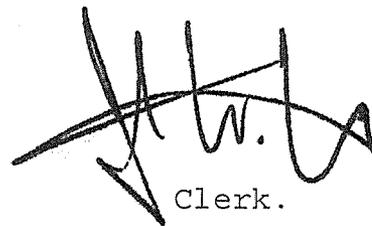
Rowland K. Rebele, et al.,
Defendants-Respondents.
-----X

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 9, 2007 (mot. seq. no. 001),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 18, 2008.

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

-----X
Tonya A.,
Petitioner-Respondent,

-against-

M-5343
Docket No. F17620/04

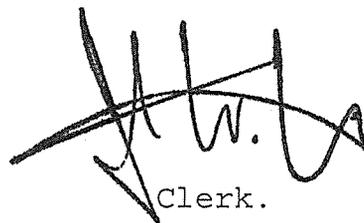
Hal H. H.,
Respondent-Appellant,
-----X

Appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Family Court, Bronx County, entered on or about July 11, 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 on or before February 2, 2009 for the April 2009 Term. (See M-5343A, decided simultaneously herewith.)

ENTER:



Clerk.

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

-----X

Tonya A.,
Petitioner-Respondent,

-against-

M-5343A
Docket No. F17620/04

Hal H. H.,
Respondent-Appellant.

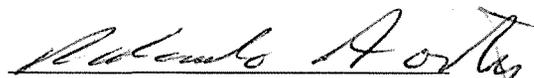
-----X

Appellant having moved for a stay of all proceedings,
pending hearing and determination of the appeal taken from the
order of the Family Court, Bronx County, entered on or about
July 11, 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. (See M-5343,
decided simultaneously herewith.)

Dated: New York, New York
December 8, 2008


Rolando T. Acosta
Associate Justice

Entered: **DEC 18 2008**

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 18, 2008.

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

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

-against-

M-5340
Ind. No. 6101/07

Amaury Arrieta, also known as
Amauru Arrieta,
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 July 15, 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, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$25,000 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.