

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 23, 2008.

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

-----X
Lauren Belfer,
Plaintiff-Respondent,

-against-

M-5709X
Index No. 307175/07

Charles R. Church,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 6, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 1, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 23, 2008.

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

-----X
Sandra Alvarez,
Plaintiff-Appellant,

-against-

M-5710X
Index No. 24394/06

Julian Diaz,
Defendant-Respondent.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 1, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 23, 2008.

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

-----X
Dara Eng,
Plaintiff-Respondent,

-against-

M-5711X
Index No. 312981/07

Timothy Eng,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 22, 2008 (mot. seq. no. 002),

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 23, 2008.

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

-----X
Mohammed Khan,
Plaintiff-Appellant,

-against-

M-5712X
Index No. 7962/06

Richard A. Newman,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 15, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 1, 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 23, 2008.

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

-----X
Tyler McComber,
Plaintiff-Respondent,

-against-

M-5730X
Index No. 104132/06

W2001Z/15CPW Realty, LLC, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 22, 2008 (mot. seq. no. 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 23, 2008.

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

-----X
Avenue of the Americas Deli Corp.,
Plaintiff-Respondent,

-against-

M-5731X
Index No. 602617/07

Anastasios Manikis,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 18, 2008 and from the judgment of said Court entered on or about July 21, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 3, 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 23, 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-5537
Ind. No. 4452/00

Nora Burciaga,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 12, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

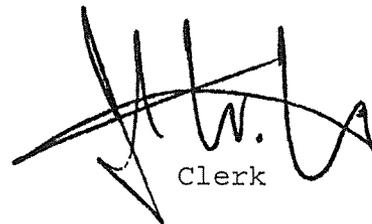
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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 23, 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-5538
Ind. No. 426/08

William Edwards,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 12, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 23, 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-5557
Ind. No. 330/06

Daniel Graham,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 23, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

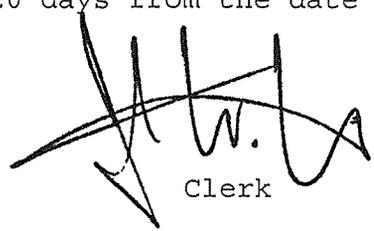
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 23, 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-5548
Ind. No. 1078/07

Terrence Heyward,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 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 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 23, 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-

SEALED
M-5556
Ind. No. 440/08

Jassan J.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 23, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

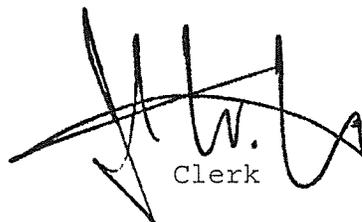
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 23, 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-5559
Case No. 10590C/05

Gerard Jenkins,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 25, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 23, 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-5542
Ind. No. 9513/99

Randell Jones,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 16, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

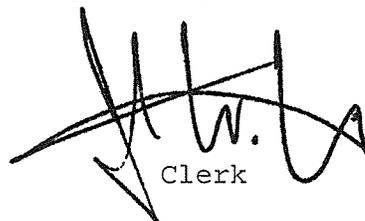
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 23, 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-5544
Ind. No. 3482/06

Jose Roman,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 14, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

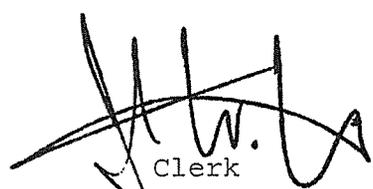
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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 23, 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-5565
Ind. No. 4415/07

Dave Shepard,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 31, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

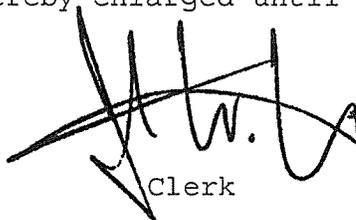
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 23, 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-5545
Ind. No. 3212/06

Curtis Simmons,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 5, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

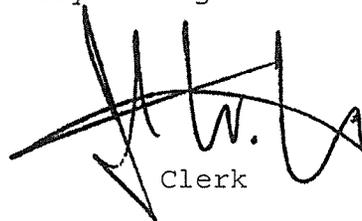
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 23, 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-5546
Ind. No. 4083/06

Javaar Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 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 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.

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 23, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

Milton Brown,
Defendant-Appellant.

M-2701
Ind. Nos. 1566/06
5155/06
5903/06
5995/06

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 18, 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,

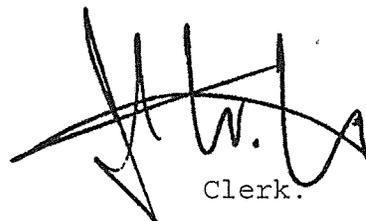
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 any proceedings pursuant to CPL § 210.20, Arts. 710 and 730, and of the plea or trial and sentence.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 10007, Tel. 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 23, 2008.

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

-----X
Jazmine Almonte, et al., etc.,
Plaintiffs,

-against-

M-5635
Index No. 17896/94

38 Holding Corporation, et al.,
Defendants,

Michael Stewart Frankel, Esq.,
Non-Party Claimant.

-----X

Non-party claimant Michael Stewart Frankel having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, Bronx County, on or about November 5, 2008,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 23, 2008.

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

-----X
Adler, et al.,
Plaintiffs-Appellants,

-against-

M-5419
Index No. 603766/06

Janay, et al.,
Defendants-Respondents.

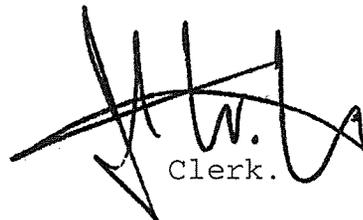
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 22, 2007 (mot. seq. nos. 001 and 002),

Now, upon reading and filing the papers with respect to the motion, the correspondence dated November 26, 2008, and the stipulation of the parties hereto, dated December 1, 2008; and due deliberation having been had thereon, it is

Ordered that the motion and the appeal are deemed withdrawn, in accordance with the aforesaid correspondence and stipulation, the underlying action having been settled.

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 23, 2008.

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

-----X

Michael Chenkin,

Petitioner-Appellant,

For a Judgment, etc.,

-against-

New York City Council,

Respondent-Respondent.

-----X

M-5446

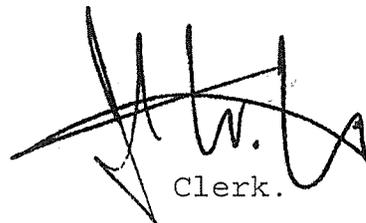
Index No. 107647/07

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 31, 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 on or before July 13, 2009 for 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 23, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzaelli
David B. Saxe
Milton L. Williams
John T. Buckley, Justices.

-----x

Morris I. Gletzer, etc.,
Plaintiff-Respondent,

M-5459

-against-

Index No. 605036/01

Amos Harris,
Defendant-Appellant.

- - - - -
Greenpoint Mortgage Funding, Inc.,
et al.,
Petitioners-Appellants,

-against-

Index No. 113930/05

Morris I. Gletzer, etc.,
Respondent-Respondent,

Amos Harris, et al.,
Respondents.

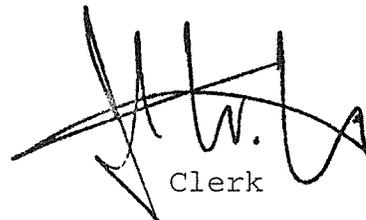
-----x

Defendant-appellant/respondent Amos Harris having moved for resettlement of the decision and order of this Court entered on March 13, 2008 (Appeal Nos. 2391/2392N),

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 issuing a corrected opinion and order of this date.

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 23, 2008.

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

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

Respondent,

-against-

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

William Lopez,

Defendant-Appellant.
-----X

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

Now, upon the Court's own motion,

It is ordered that the appellant's time in which to perfect the appeal is enlarged to the April 2009 Term and counsel is directed to so perfect. The order of this Court entered on December 11, 2008 (M-5145), is hereby recalled and vacated.

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 23, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzaelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Chana Ringel,

Plaintiff-Respondent,

-against-

M-5582
Index No. 311906/07

Binyomin Rogosnitzky, also known as
Benny Rogosnitzky,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2008, (mot. seq. no. 010),

And defendant-appellant having moved to stay his obligation to pay a portion of the fee for a special master to oversee discovery, pending hearing and determination of the 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 and the interim relief granted by an order of a Justice of this Court, dated November 20, 2008, is vacated.

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 23, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----x

Bernard H. Glatzer,
Plaintiff-Appellant,

-against-

M-5594
Index No. 21663/04

Bear, Stearns & Co., Inc., Weisser
Johnson & Co., L.P., Weisser Johnson
& Co., and Frank Weisser,
Defendants-Respondents.

-----x

Bernard H. Glatzer,
Plaintiff-Appellant,

-against-

Index No. 21401/05

Michael A. Cardozo - Corporation Counsel
of the City of New York, Schindler Cohen
& Hochman LLP, Jan C. Sturla - Director -
Orange County Department of Child Support
Services, The Chase Manhattan Bank,
Marian Balay and Marlene Thomason ,
Defendants-Respondents.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about January 23, 2008 and March 21, 2008, respectively,

And an order of this Court having been entered on November 6, 2008 (M-4163) inter alia, granting appellant an enlargement of time in which to perfect both appeals, separately for the February 2009 Term,

And appellant having moved for reargument of the aforesaid motion (M-4163), so as to further enlarge the time in which to perfect 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 only to the extent of enlarging appellant's time in which to perfect both appeals, separately, to on or before February 23, 2008 for the May 2009 Term; if so perfected, the Clerk of the Court is directed to calendar both appeals for hearing together for said 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 23, 2008.

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

-----X
Narzario Leon,
Plaintiff-Respondent,

-against-

M-5396
Index No. 16194/05

St. Vincent De Paul Residence,
Defendant-Appellant.
-----X

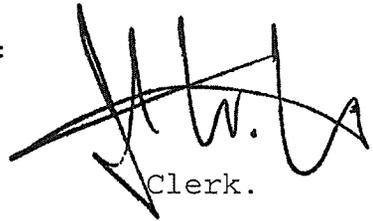
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 27, 2008,

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 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 23, 2008.

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

-----X
In the Matter of

Antonio C.,

A Person Alleged to be a Juvenile
Delinquent,

M-5728
Docket No. D7611/07

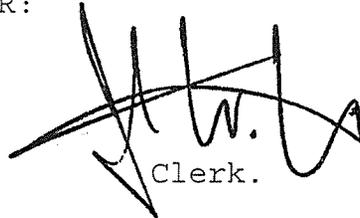
Respondent-Appellant.
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, Bronx County, entered on or about October 17, 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 23, 2008.

PRESENT - Hon: Jonathan Lippman, Presiding Justice,
Milton L. Williams
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Sigurd A. Sorenson,

Plaintiff-Appellant,

-against-

M-5346
Index No. 601289/05

Bridge Capital Corp., et al.,

Defendants-Respondents.
-----X

An order of this Court having been entered February 19, 2008 (M-282) granting plaintiff-appellant a preliminary appellate injunction pursuant to CPLR 5518, inter alia, enjoining defendants from transferring title to specific condominium units at issue pending hearing and determination of the appeal from the order of the Supreme Court entered on or about January 3, 2008,

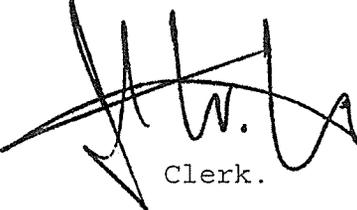
And a decision and order of this Court having been entered on or about June 10, 2008 (Appeal No. 3887), inter alia, continuing the aforementioned preliminary appellate injunction for a limited period of time,

And defendants having moved to vacate the aforesaid appellate injunction, 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 preliminary injunctive relief granted by order of this Court entered February 19, 2008 (M-282), having expired on August 3, 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 23, 2008.

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

-----X
Dr. Simpson Gray,
Petitioner-Appellant,

-against-

M-5500
Index No. 113956/08

Public Employment Relations Board,
et al.,
Respondents-Respondents.

-----X

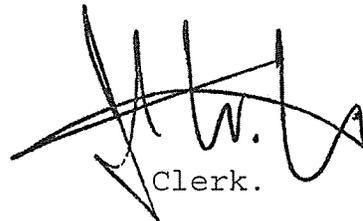
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 12, 2008,

And petitioner-appellant having moved for a stay, including relief in the nature of a preliminary appellate injunction pursuant to CPLR 5518, inter alia, barring a hearing before an Administrative Law Judge, 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 23, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

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

-against-

M-5629
Index No. 250548/07

Warden, Rikers Island Correctional
Facility, et al.,
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 2, 2008,

And petitioner-appellant having moved for an enlargement of the record on 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.

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 23, 2008.

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

-----x
Eleanor Capogrosso,

Plaintiff-Appellant,

-against-

M-5349
Index No. 112291/06

Tina Kansas,

Defendant-Respondent.
-----x

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 24, 2007,

And an order of this Court having been entered on October 7, 2008 (M-4088), inter alia, adjourning the appeal to the December 2008 Term, without prejudice to defendant-respondent submitting a supplemental record and seeking costs and sanctions on the direct appeal,

And plaintiff-appellant having moved for reargument of the aforesaid order (M-4088),

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 23, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

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

-against-

M-5518
Ind. No. 682/06

Albert Borreo,
Defendant-Appellant.

-----X

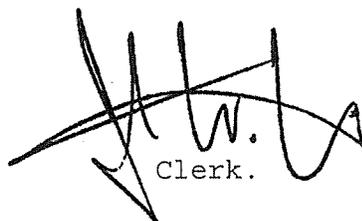
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Michael Obus, J.) entered on or about October 3, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. 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 23, 2008.

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

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

-against-

M-5431
Ind. No. 562/05

Rickey Bryant,
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 November 26, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

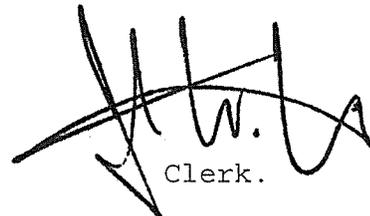
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 23, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

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

-against-

M-5499
Ind. No. 3081/07

Terrance Underwood,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 2, 2008 (M-3377) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 10, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 23, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John T. Buckley
James M. McGuire, Justices.

-----x
Kevin Pludeman, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-3436
Index No. 101059/04

Northern Leasing Systems, Inc., et al.,
Defendants-Appellants-Respondents.
-----x

A decision and order of this Court having been entered on May 15, 2007 (Appeal No. 159), modifying the order of the Supreme Court, New York County (Sherry Klein Heitler, J.), entered on April 7, 2005, which, inter alia, reinstated, against the corporate defendant, the cause of action for breach of contract, and otherwise affirming the order,

And defendants-appellants-respondents having moved for an order compelling plaintiffs-respondents-appellants to remit payment in the amount of \$1,940.13 plus interest to Northern Leasing Systems, Inc. for their share of costs of preparation and reproduction of the joint record on appeal, in accordance with 22 NYCRR 600.11(d), for the imposition of costs, fees and attorneys' fees with respect to filing this motion, and for other relief,

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

It is ordered that the motion is granted only to the extent of directing plaintiffs-respondents-appellants to pay \$1,940.13 for their share of costs of the joint record on appeal in accordance with 22 NYCRR 600.11(d), and the motion is otherwise denied.

All concur except McGuire, J., who concurs in part, and dissents in part as follows:

Defendants seek an order directing plaintiffs to pay for their share of the cost of preparing and reproducing the joint record on appeal before this Court. Specifically, defendants seek to require plaintiffs to pay half of that cost. For the

reasons that follow, I disagree with the majority that plaintiffs should be required to do so.

Plaintiffs commenced this action against defendants asserting causes of action for, among other things, fraud and breach of contract. Plaintiffs, who are small business owners, claim that they were fraudulently induced by defendants to enter into onerous equipment leases. Plaintiffs also claim that defendants breached the leases by overcharging plaintiffs for certain services. Defendants moved to dismiss the complaint and Supreme Court dismissed certain causes of action, but denied those portions of the motion seeking dismissal of the fraud causes of action. On defendants' appeal and plaintiffs' cross appeal, we modified to the extent of reinstating the breach of contract claim as against the corporate defendant and otherwise affirmed (40 AD3d 366 [2007]). The Court of Appeals affirmed our order (10 NY3d 486 [2008]).

Defendants now seek an order directing plaintiffs to pay for their respective share of the cost of preparing the joint record on appeal filed with this Court. Defendants claim that they paid \$3,880.26 to prepare the joint record and that, despite several requests, plaintiffs have failed to pay defendants for their share of the cost, i.e., half of the total, or \$1,940.13. Defendants cite to a rule of this Court, 22 NYCRR 600.11(d)(1), which states that, where there is an appeal and a cross appeal, "[t]he parties shall consult and thereafter file a joint record or joint appendix which shall include therein a copy of the cross-notice of appeal. *The cost of the joint record or joint appendix and the transcript, if any, shall be borne equally among the parties*" (emphasis added).

Plaintiffs argue that this Court lacks jurisdiction over the parties because the appeal has already been decided; that the payment of their share of the cost must await the termination of the proceeding; that defendants did not consult with plaintiffs before preparing the joint record on appeal; and that the cost defendants incurred in preparing the record is "ridiculously inflated."

Initially, plaintiffs cite to no authority supporting their claim that this Court's jurisdiction over the parties terminated after we decided the appeal. Because the issue raised by this motion directly relates to the appeal and cross appeal that we decided, it follows that we have jurisdiction over the matter because, if we do not, it would follow either that no court has jurisdiction to resolve a dispute under 22 NYCRR 600.11(d)(1) or that a dispute under 22 NYCRR 600.11(d)(1) must be resolved by a plenary action.

Plaintiffs offer no support for their assertion that payment of their share of the cost must await the termination of the proceeding. Certainly nothing in § 600.11(d)(1) supports that assertion and this Court's sparse case law dealing with this rule indicates that a party's share of the cost is payable after the appeal is decided but before the termination of the action (see *Greenwald v Trimfoot Co.*, 221 AD2d 245, 245 [1995] [upon affirming an order denying motions for summary judgment, we simultaneously granted plaintiff's motion to compel payment of one half the cost of printing the record]; see also *Silverstein v Castro*, 669 NYS2d 554 [1998]).

Plaintiffs assert that they were not consulted by defendants before they prepared the joint record on appeal, and that the printer defendants used charged far too much. Defendants do not dispute that they did not consult plaintiffs, and instead argue that consultation is not a precondition to the sharing of the cost under § 600.11(d).

The handful of this Court's cases addressing cost sharing under § 600.11(d)(1) all state in conclusory fashion that a party must pay half the cost of preparing a joint record on appeal (see *Mudge, Rose, Guthrie, Alexander & Ferdon v Penguin A.C. Corp.*, 221 AD2d 243, 243 [1995] ["Plaintiff's motion for an order pursuant to 22 NYCRR § 600.11(d) compelling defendant to share half the expense of the record on appeal is granted"]; *Greenwald*, 221 AD2d at 245 ["Motion by plaintiff to compel payment of one-half the costs of printing the record granted"]; *Blum v Warden*, 598 NYS2d 936 [1993] ["Defendants-appellants-respondents' motion to require plaintiffs to pay their share of the cost of the joint appendix and transcript in accordance with Rule 600.11(d) of this Court is granted, and plaintiffs-respondents-appellants' cross-motion for an order requiring the proportional allocation of the costs borne by the parties in producing the joint appendix and transcript is denied"]; see also *Silverstein v Castro*, *supra* ["Motion to dismiss appeal granted to the extent of directing plaintiff to comply with Rule 600.11(d)(1) within 10 days from the date of this order"]). No case law sheds any light on what we should do if one party asserts that they were not consulted prior to the preparation of the joint record.

Plaintiffs raise a valid argument that, under the regulation, defendants were required to consult with plaintiffs before preparing the joint record, and, at the very least, raise an issue of fact as to whether they were so consulted. I believe, however, that we can avoid a fact-finding procedure in this matter.

Plaintiffs merely assert in conclusory fashion that the total cost charged by the printer retained by defendants was

unreasonably high. Thus, plaintiffs' counsel avers that \$3880.26, the cost charged by the printer, "is multiple times what, in my experience, the appellate costs should be. I have handled several appeals, including some from summary judgments - but have never had a bill anywhere close to this amount, which I can only describe as ridiculously inflated." Obviously, this averment is short on specifics, and insufficient to raise an issue of fact as to the reasonableness of the bill generally.

Indeed, plaintiffs' only specific objection to the cost of preparing the record is that defendants unnecessarily included in the record copies of the leases in booklet form, each of which were encased in polythene cases and placed in pockets in the record. According to plaintiffs, the leases could have simply appeared in the pages of the record at much less cost.

In the interests of judicial economy and putting this matter to rest in a manner that eliminates the need for further litigation over a \$3880.26 printing bill, I believe the soundest disposition of this motion is to subtract from the printer's bill the cost (including applicable taxes) associated with preparing the booklets that plaintiffs object to -- \$257.40 to prepare the booklets, \$190 to fold and insert the booklets into the record and \$130 to make the pockets in the record to hold the booklets, for a total of \$577.40, plus applicable taxes of \$48.36 -- and require plaintiffs to pay half the remainder (i.e., \$3,254.50) of the bill. Of course, this resolution of the motion is overly generous to plaintiffs because, assuming that defendants had simply included the leases in the pages of the record, doing so would not have been free. However, what that marginal cost would have been cannot be determined on this record. As the saying goes, the game is not worth the candle.

Accordingly, I would grant defendants' motion to the extent of directing plaintiffs to pay defendants \$1,627.25. That the parties are incurring the costs of litigating this motion is remarkable. But our rule unequivocally requires consultation and plaintiffs should not be left without any remedy for defendants' failure to comply with this requirement. Without any explanation, the majority disregards that failure and divides the cost equally.

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 23, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X

Robert A. Denenberg in his capacity
and as Administrator of the Robert A.
Denenberg, A Sole Proprietorship
Defined Pension Plan,
Plaintiff-Respondent-Appellant,

-against-

M-5428
M-5520
Index No. 110441/06

Bankers Life of New York also known as
Bankers Life Insurance Company of New
York; Kenneth R. Hartstein; ECI
Pension Services, LLC; Economic Concepts,
Inc.; Gary L. Thornhill; The Private
Consulting Group; Richard C. Smith, Esq.;
Bryan Cave LLP; John Repetti and Graf
Repetti & Co. LLP,
Defendants-Appellants-Respondents,

Warren Rosen, Warren Rosen & Co.,
Indianapolis Life Insurance Company,
Defendants.

-----X

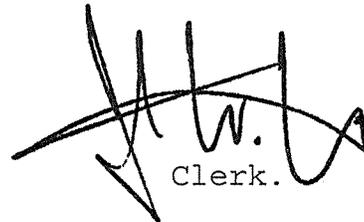
Defendants-appellants-respondents having moved for an order enlarging the time in which to perfect the appeals herein from the order of the Supreme Court, New York County, entered on or about February 21, 2008 (mot. seq. nos. 004, 005, 006, 007 and 008),

And plaintiff having cross-moved for an enlargement of time in which to perfect the cross appeal taken from the aforesaid order,

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

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

ENTER:

A handwritten signature in black ink, appearing to be "J.W.L.", written over the word "Clerk." which is printed below it.

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 23, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Bernhard Christian Helgason,
Claimant-Appellant,

-against-

M-5527
Index No. 114179

State of New York, Division of
Housing and Community Renewal
of the State of New York,
Defendant-Respondent.

-----X

Claimant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Court of Claims, New York County, entered on or about January 28, 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 23, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Israel Discount Bank of New York,
Plaintiff-Respondent,

-against-

M-5558
Index No. 600230/07

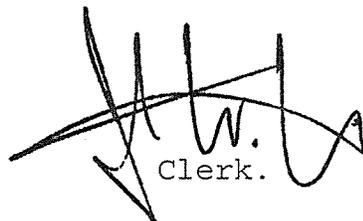
Timing Group, LLC,
Defendant-Appellant.
-----X

Goldberg and Rimberg LLC, counsel for defendant-appellant having moved for an order relieving the firm as appellant's counsel on the appeal taken by defendant from the order of the Supreme Court, New York County, entered on or about January 17, 2008, 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 enlarging the time of the corporate appellant in which to perfect the appeal to on or before February 2, 2009 for the April 2009 Term. The motion to the extent it seeks to relieve counsel on the appeal is denied, without prejudice to renewal of the motion upon proof of service of the moving papers and a copy of this order upon defendant-appellant Timing Group, LLC., within 10 days of 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 23, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Shamel Smith,
Plaintiff-Appellant,

M-5434
Index No. 109370/04

-against-

The City of New York,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 2, 2008 (mot. seq. no. 005), 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 deemed one for reargument of this Court's prior order entered on October 28, 2008 (M-4554), which denied poor person relief, 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 23, 2008.

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

-----X
Frances Gattuso, et al.,

Plaintiffs-Respondents,

-against-

M-5474
Index No. 103764/07

New York City Transit Authority,
et al.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 10, 2008,

And defendants-appellants having moved to stay 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 defendants' counsel dated December 12, 2008, and due deliberation having been had thereon,

It is ordered that the motion is 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 23, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Peter Schorr, Allegra Schorr Fitch
and Andrew Schorr, as assignees of
certain interests of the shareholders
and derivatively on behalf of Star
Meth Corp., and Star Meth Corp.,
Plaintiffs-Respondents,

-against-

M-5562
Index No. 102300/05

Fores Persaud,
Defendant-Appellant.

-----X

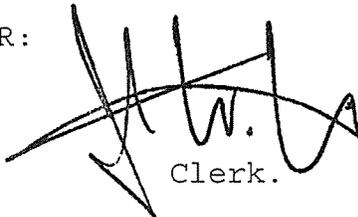
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 24, 2008 (mot. seq. no. 003) [under Index No. 102300/05],

And defendant-appellant having moved for a stay of proceedings 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 on condition appellant perfects the appeal on or before February 23, 2009 for the May 2009 Term. Sua sponte, plaintiffs are directed to perfect the appeal taken from the order of said court entered on or about October 27, 2008, *in re Schorr, et al. v Stuart Steiner* [under Index No. 605647/00] for the May 2009 Term. The Clerk is directed to calendar both appeals for hearing together for said 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 23, 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-5407
Ind. No. 5708/07

Rashid Tariq,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 16, 2008 (M-3729) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 1, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 23, 2008.

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

-----X
Mary Stevenson-Misischia, as Executrix
of the Estate of Mario Misischia,
Plaintiff-Appellant,

-against-

M-5738

Index No. 600122/07

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

-----X

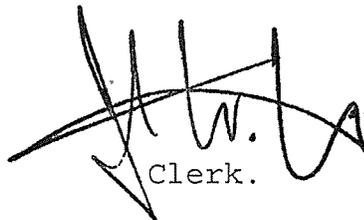
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 7, 2007 (mot. seq. no. 001), and said appeal having been perfected for the February 2009 Term of this Court,

And defendants-respondents having moved for an order striking plaintiff-appellant's brief or, in the alternative, adjourning 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 striking plaintiff-appellant's brief with leave to appellant to re-perfect on or before February 2, 2009 for the April 2009 Term which brief shall be limited to references to the record on appeal. Upon failure to timely perfect, an order dismissing the appeal may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days from 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 23, 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

Wayne Imperati,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5401
Index No. 100432/07

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about January 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 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 23, 2008.

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

-----X
Al G. Hill, III,
Plaintiff-Appellant,

-against-

M-5554
Index No. 603162/06

Theodate Coates, Individually,
and as Purported Trustee of the
Fisher Trust,
Defendant-Respondent.

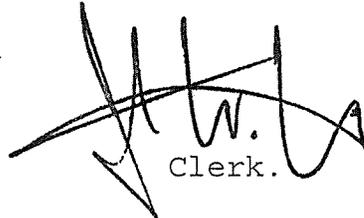
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about January 29, 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.

E N T E R:


Clerk.

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

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

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

M-5352
Ind. No. 3998/06

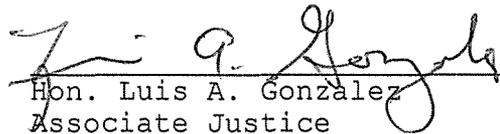
-against-

CERTIFICATE
GRANTING LEAVE

Benjamin Santiago,
Defendant-Appellant.
-----X

I, Luis A. Gonzalez, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about October 15, 2008.¹

Dated: *DECEMBER 16*, 2008
New York, New York



Hon. Luis A. Gonzalez
Associate Justice

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



DEC 23 2008

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.

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-5736
Ind. No.3314/2005

-against-

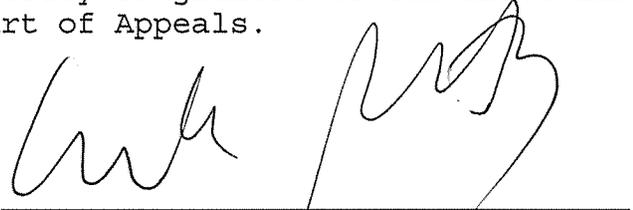
CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Quentin Abney,
Defendant-Appellant.

-----X

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

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


Justice of the Appellate Division

Dated:
New York, New York

ENTERED: DEC 23 2008

* Supreme Court, New York County, (William A. Wetzel, J.) rendered March 20, 2006.
App. Div., First Dept., Appeal No. 3317, Aff'd on October 14, 2008.

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

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

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

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

M - 5355
Ind. No. 736/91

-against-

CERTIFICATE
DENYING LEAVE

Alexander DeJesus,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 1, 2008, is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: December 12, 2008
New York, New York

ENTERED: **DEC 23 2008**