

THE FOLLOWING MOTION ORDERS  
WERE ENTERED AND FILED ON  
DECEMBER 30, 2008

Lippman, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-5774X     Structure Tone, Inc. v Atlas-Acon Electric Services  
                 Corp. - Utica National Assurance Company

                 Appeal withdrawn.

Lippman, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-5775X     Lurgi, Inc., formerly known as Lurgi PSI, Inc. v Calyon

                 Appeal withdrawn.

Lippman, P.J., Williams, Moskowitz, Acosta, JJ.

M-5206     People v Villanueva, Armando, also known as  
                 Villanueva, Armondo

                 Leave to prosecute appeal as a poor person granted, as  
indicated.

Lippman, P.J., Mazzarelli, Saxe, Williams, Buckley, JJ.

M-5526     People v Cabrera, Gabriel

                 Leave to prosecute appeal as a poor person granted, as  
indicated.

Lippman, P.J., Gonzalez, Nardelli, Buckley, Acosta, JJ.

M-5539 People v Fele, Moises, also known as  
Fele-Santos, Moises

Leave to prosecute appeal as a poor person denied, with  
leave to renew, as indicated.

Lippman, P.J., Tom, Buckley, Moskowitz, Renwick, JJ.

M-5506 Tray-Wrap, Inc. v Pacific Tomato Growers, Ltd.

Appeals consolidated; time to perfect same enlarged to  
the April 2009 Term.

Lippman, P.J., Mazzarelli, Buckley, McGuire, DeGrasse, JJ.

M-5129 (DC #31) People v Fleming, Rudy  
M-4898

Upon the Court's own motion and upon papers filed, time  
to perfect appeal enlarged to the June 2009 Term, as indicated.

Lippman, P.J., Mazzarelli, Buckley, McGuire, DeGrasse, JJ.

M-5090 (DC #22) People v Cortez, Paul

M-5125 (DC #27) People v Edwards, Darren

M-5131 (DC #35) People v Gruyair, Alexis

M-5141 (DC #45) People v Koonce, Louis

M-5142 (DC #46) People v Lasso, Freddy

M-5147 (DC #51) People v Marino, Paul

Upon the Court's own motion, time to perfect appeals  
enlarged to the June 2009 Term, as indicated.

Lippman, P.J., Mazzarelli, Buckley, McGuire, DeGrasse, JJ.

M-5149 (DC #53) People v Martinez, George

M-5150 (DC #54) People v Medlin, George

M-5154 (DC #58) People v Murphy, George

M-5157 (DC #61) People v Oliveras, George

M-5162 (DC #66) People v Paige, Dennis

M-5168 (DC #72) People v Reyes, Jerome

M-5171 (DC #75) People v Shepard, Felix, also known as  
Sheppard, Felix

Upon the Court's own motion, time to perfect appeals  
enlarged to the June 2009 Term, as indicated.

Lippman, P.J., Mazzarelli, Sweeny, DeGrasse, Freedman, JJ.

M-5786 R&R Capital LLC v Meritt  
(And another action)

Stay granted; plaintiff R&R Capital LLC directed to  
withdraw certain claims in actions pending in Delaware and  
Pennsylvania.

Lippman, P.J., Mazzarelli, Sweeny, DeGrasse, Freedman, JJ.

M-5717 Robinson v Cambridge Realty Co.

Stay denied.

Lippman, P.J., Tom, Buckley, Moskowitz, Renwick, JJ.

M-5424 People v Walker, James

Extension of time to file a notice of appeal and  
related relief denied.

Lippman, P.J., Tom, Gonzalez, Buckley, Catterson, JJ.

M-5420 In the Matter of The City of New York v The Patrolmen's Benevolent Association of the City of New York, Inc. - The Sergeants' Benevolent Association of the City of New York, Inc.

Reargument or other relief denied.

Lippman, P.J., Mazzarelli, Sweeny, DeGrasse, Freedman, JJ.

M-5613 Daeun Corp. v A & L 444 LLC

Preliminary appellate injunction granted on condition appellant continues to pay use and occupancy as directed in order of a Justice of this Court, dated November 24, 2008, and appeal perfected for the May 2009 Term, as indicated.

Lippman, P.J., Andrias, Williams, McGuire, JJ.

M-4530 IDT Corp. v Tyco Group, S.A.R.L.

Reargument denied; leave to appeal to the Court of Appeals granted, as indicated.

Tom, J.P., Saxe, Catterson, Moskowitz, DeGrasse, JJ.

M-5598 Blackman v The Hit Factory - Chubb Insurance Company

Appeal dismissed.

Tom, J.P., Saxe, Nardelli, Williams, JJ.

M-3893 Adams v Genie Industries, Inc. - Product Liability Advisory Council, Inc.

Leave to appeal to the Court of Appeals granted, as indicated.

Tom, J.P., Saxe, Nardelli, Williams, JJ.

M-4227 Adams v Genie Industries, Inc. - Product Liability  
Advisory Council, Inc.

Cross motion deemed withdrawn.

Tom, J.P., Saxe, Catterson, Moskowitz, DeGrasse, JJ.

M-5348 Carpluk - Estate of Reilly v Vargas

Time to perfect appeal enlarged to the April 2009 Term.

Tom, J.P., Friedman, Gonzalez, McGuire, Acosta, JJ.

M-5665 Khan v Islam

Appeals consolidated, time to perfect same enlarged to  
the April 2009 Term, as indicated.

Tom, J.P., Mazzarelli, Saxe, Nardelli, Buckley, JJ.

M-4864 In the Matter of V., Enrique; V., Stephanie -  
Administration for Children's Services

Leave to prosecute appeal as a poor person granted, as  
indicated.

Tom, J.P., Mazzarelli, Williams, Sweeny, JJ.

M-5524 People v Delgado, Umar

Leave to prosecute appeal as a poor person granted, as  
indicated.

Tom, J.P., Saxe, Catterson, Moskowitz, DeGrasse, JJ.

M-5553 People v Turner, Charada

Leave to prosecute appeal as a poor person and related relief granted; Clerk of the Supreme Court shall expeditiously have made and filed with the criminal court two transcripts of the SORA hearing and other proceedings, as indicated.

Tom, J.P., Mazzairelli, Saxe, Nardelli, Buckley, JJ.

M-5566 People v Bowman, Edward

Extension of time to file pro se supplemental brief granted to the May 2009 Term, to which Term appeal adjourned, as indicated.

Tom, J.P., Catterson, DeGrasse, Freedman, JJ.

M-3033 People v Bernard, Kenneth

Writ of error coram nobis denied.

Tom, J.P., Andrias, Nardelli, Freedman, JJ.

M-3901 People v Dixon, Timothy

Writ of error coram nobis denied.

Tom, J.P., Mazzairelli, Williams, Renwick, JJ.

M-4576 People v Foy, Johnson

Reargument denied.

Tom, J.P., Friedman, Gonzalez, McGuire, Acosta, JJ.

M-5086 In the Matter of Wonder Works Construction Corp. v  
R.C. Dolner, Inc.

Stay granted on condition appeal perfected for the May  
2009 Term, as indicated.

Tom, J.P., Gonzalez, Buckley, Sweeny, Catterson, JJ.

M-5860 Gaspari v Sadeh - Finkelstein

Stay of trial granted on condition appeal perfected for  
the March 2009 Term, as indicated.

Tom, J.P., Friedman, Buckley, Acosta, Freedman, JJ.

M-5444 Ace Fire Underwriter's Insurance Company v ITT  
Industries, Inc.

Leave to appeal to the Court of Appeals denied.

Tom, J.P., Mazzairelli, Friedman, Williams, JJ.

M-4131 People v Harris, Yusuf

Reargument denied.

Tom, J.P., Gonzalez, Williams, Moskowitz, Freedman, JJ.

M-5577 Greaves v Obayashi Corporation  
(And a third-party action)

Reargument or other relief denied.

Tom, J.P., Gonzalez, Williams, Freedman, JJ.

M-5579 Greenberg v SNA Consultants, Inc.  
Reargument or other relief denied.

Tom, J.P., Nardelli, Sweeny, McGuire, DeGrasse, JJ.

M-4607 Nick & Duke, LLC. v John Hollings, Inc. -  
My Five Grandchildren Rest. Corp.  
Leave to appeal from the Appellate Term denied.

Mazzarelli, J.P., Saxe, Catterson, Renwick, Freedman, JJ.

M-5296 Tower Insurance Company of New York v Arias - Rodriguez  
Appeals dismissed.

Mazzarelli, J.P., Saxe, Friedman, Acosta, DeGrasse, JJ.

M-5940 Simmons v New York City Transit Authority  
Time to perfect appeal enlarged to the April 2009 Term.

Mazzarelli, J.P., Saxe, Friedman, Nardelli, JJ.

M-4960 Bones v Prudential Financial, Inc.  
Leave to appeal to the Court of Appeals denied.

Mazzarelli, J.P., Saxe, Friedman, Catterson, Acosta, JJ.

M-4434 Lee v Astoria Generating Company, L.P.

M-4437 (And a third party action)

Reargument or other relief denied.

Mazzarelli, J.P., Friedman, Nardelli, Williams, Freedman, JJ.

M-4344 In the Matter of O., Nelissa v C., Danny

Leave to prosecute appeal as a poor person granted, as indicated.

Mazzarelli, J.P., Friedman, Nardelli, Williams, Freedman, JJ.

M-4346 In the Matter of J., Lisa Joy v S., Scott Hunter

Leave to prosecute appeal as a poor person granted, as indicated.

Mazzarelli, J.P., Saxe, Friedman, Acosta, DeGrasse, JJ.

M-5404 Lebron v NAPA Realty Corp.

Stay of trial denied.

Mazzarelli, J.P., Friedman, Nardelli, Buckley, JJ.

M-4746 People v Attia, Nader, also known as  
Attia, Nader Anis Zaky, also known as  
Michael's Pharmacy Inc.

Reinstatement of appeal or other relief denied.

Andrias, J.P., Nardelli, Sweeny, DeGrasse, Freedman, JJ.

M-5400 Rubin v SMS Taxi Corp.

Time to perfect appeal enlarged to the April 2009 Term.

Andrias, J.P., Nardelli, Sweeny, DeGrasse, Freedman, JJ.

M-5411 In the Matter of Community Related Services, Inc. v  
Novello

Time to perfect appeal enlarged to the April 2009 Term.

Andrias, J.P., Nardelli, Sweeny, DeGrasse, Freedman, JJ.

M-5475 In the Matter of B., Gregory L. v G., Magdalena

Time to perfect appeal enlarged to the May 2009 Term.

Andrias, J.P., Nardelli, Sweeny, DeGrasse, Freedman, JJ.

M-5512 Rudes v Heller

Appeals dismissed, upon the ground that appeal from the judgment entered June 3, 2008, subsuming the appeals from the interlocutory orders, has been dismissed by an order of this Court entered December 2, 2008 (M-3628 and M-4954), as indicated.

Andrias, J.P., Friedman, Gonzalez, Buckley, Acosta, JJ.

M-5923 Nama Holdings, LLC, a Nevada limited liability  
Company v Greenberg Traurig LLP, a Delaware limited  
liability partnership - Ivanhoe

Stay granted on condition appeal perfected for the  
April 2009 Term, as indicated.

Saxe, J.P., Nardelli, Buckley, Catterson, JJ.

M-4777 In the Matter of S., Jennifer H. v C., Damien P.  
(And another action)

Leave to appeal to the Court of Appeals denied.

Saxe, J.P., Friedman, Williams, Buckley, JJ.

M-5115 People v Freeman, Rodney

Writ of error coram nobis and other relief denied.

Friedman, J.P., McGuire, Acosta, DeGrasse, Freedman, JJ.

M-5358 People v Dockery, Alexander, also known as  
M-5467 Harris, John

Leave to prosecute appeal as a poor person denied;  
appeal dismissed.

Friedman, J.P., Williams, Catterson, Acosta, JJ.

M-5529 People v Perez, Alfredo

Leave to prosecute appeal as a poor person granted, as  
indicated.

Friedman, J.P., Sweeny, McGuire, Renwick, Freedman, JJ.

M-5590 LoFaso v The City of New York

Time to perfect appeal enlarged to the April 2009 Term.

Friedman, J.P., Sweeny, McGuire, Renwick, Freedman, JJ.

M-5634 Trump v Cheng

Time to perfect consolidated appeals enlarged to the  
June 2009 Term.

Gonzalez, J.P., Catterson, McGuire, Moskowitz, JJ.

M-4359 People v Cheatham, Deon

Reargument denied.

Nardelli, J.P., Williams, Buckley, Sweeny, JJ.

M-3861 In the Matter of Felder v The City of New York

Reargument or other relief denied.

Friedman, J.

M-2984 People v Acosta, Jose

Leave to appeal to this Court granted.

Williams, J.

M-5421 People v Phelps, Darryl

Reargument denied.

Acosta, J.

M-5611 People v Noel, Davidson

Leave to appeal to this Court denied.

Mazzarelli, J.P., Andrias, Williams, Buckley, Acosta, JJ.

M-3684 In the Matter of Winford Kent Bishop,  
a disbarred attorney:

Reargument or leave to appeal to the Court of Appeals  
denied. No opinion. All concur.

Lippman, P.J., Mazzarelli, Williams, Buckley, Renwick, JJ.

M-4603 In the Matter of Mark W. Scher  
(admitted as Mark Waclaw Scher),  
an attorney and counselor-at-law:

Petitioner suspended from the practice of law in the  
State of New York, effective the date hereof, until the further  
order of this Court and the underlying disciplinary proceeding  
held in abeyance, as indicated. Opinion Per Curiam. All concur.

Saxe, J.P., Gonzalez, Nardelli, Catterson, McGuire, JJ.

M-1412 In the Matter of Steven J. Lever  
(admitted as Steven Jon Lever),  
an attorney and counselor-at-law:

Respondent suspended from the practice of law in the  
State of New York, effective the date hereof, for the longer  
period of three years or until conclusion of his term of criminal  
probation, and until the further order of this Court, as  
indicated. Opinion Per Curiam. All concur except Saxe, and  
Catterson, JJ. who dissent in an opinion by Catterson, J. and  
would disbar respondent.

The following order was entered and filed on December 23, 2008:

Williams, J.

M-5601 People v Brunner, Michael

Reconsideration granted to the extent of recalling and vacating the order of this Court entered October 23, 2008 (M-4013), and referring the matter to Hon. Angela M. Mazzarelli for determination.