

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 June 19, 2008.

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

-----X
Joanna, LLC,

Plaintiff-Appellant,

-against-

Morton Harvey,

Defendant-Respondent.
-----X

M-2846X
Index No. 105537/03

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 9, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 3, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 19, 2008.

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

-----X
Troy Nixon,

Plaintiff-Appellant,

-against-

Kevin Spence, et al.,

Defendants-Respondents.
-----X

M-2847X
Index No. 17391/06

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 20, 2007,

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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

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

-----X
Kelly Brock, also known as
Kelly Brock Pellegrini,

Plaintiff-Appellant,

-against-

Enrico Pellegrini,

Defendant-Respondent.
-----X

M-2848X
Index No. 310688/07

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 5, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 3, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 19, 2008.

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

-----X
Elizabeth Wall and Martin Wall,

Plaintiffs-Respondents,

-against-

Arat Corporation, doing business as
Tara's Restaurant, et al.,

Defendants-Appellants.
-----X

M-2849X
Index No. 25631/99

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 16, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 21, 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 June 19, 2008.

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

-----X
Jessica Rodas,
Plaintiff-Respondent,

-against-

M-2850X
Index No. 28133/01

City of New York,
Defendant,

New York City Transit Authority,
et al.,
Defendants-Appellants.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about June 12, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 4, 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 June 19, 2008.

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

-----X
Robair Reichenstein,
Plaintiff-Appellant,

-against-

M-2855
Index No. 603771/06

CB Richard Ellis Group, Inc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 21, 2007 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed May 30, 2008, and due deliberation having been had thereon, it is

Ordered that the appeal, previously perfected for the September 2008 Term, 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 June 19, 2008.

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

-----X
Orama, Inc., doing business as
Trata Estiatorio,
Plaintiff-Respondent-Appellant,

-against-

M-2854X
Index No. 600921/04

233 East 70th Street Condominium,
Defendant-Appellant-Respondent,

-and-

MacArthur Properties II, LLC,
Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 12, 2004 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 3, 2008, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the September 2008 Term, are 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 June 19, 2008.

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

-----X
Bear Automotive & Tire Center,
Petitioner,

For a Judgment, etc.,

-against-

Commissioner of Motor Vehicles,
Respondent.
-----X

M-2407
DC #2
Index No. 105941/05

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 16, 2005,

And said proceeding not having been brought on for hearing 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 May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2008.

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

-----X
Albert Espisito,
Petitioner,

For a Judgment, etc.,

-against-

M-2416
DC #10
Index No. 110494/06

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

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 31, 2006,

And said proceeding not having been brought on for hearing 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 May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2008.

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

-----X
Kelly Services, Inc.,
Petitioner,

For a Judgment, etc.,
-against-

M-2420
DC #15
Index No. 110237/06

State Division of Human Rights,
et al.,
Respondents.
-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 7, 2006,

And said proceeding not having been brought on for hearing 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 May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is
Ordered that the aforesaid proceeding is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2008.

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

-----X
Nasr H. Tawous,
Petitioner,

For a Judgment, etc.,

-against-

M-2430
DC #23
Index No. 24631/06

Nancy A. Naples,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about January 30, 2007,

And said proceeding not having been brought on for hearing 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 May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Luis A. Gonzalez
John T. Buckley
Dianne T. Renwick, Justices.

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

-against-

M-2545
Index No. 125594/02

Estate of Ziess,
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 December 10, 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 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 June 19, 2008.

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

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

-against-

M-2549
Ind. No. 1906/07

Sean Del,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 22, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel Brian J. Neary, Esq., and to post the \$8,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 June 19, 2006.

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

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

M-2553
Ind. Nos. 1414/07
5658/07

-against-

Carlos Lozada,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 2, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the sources of funds used to post the \$15,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 June 19, 2008.

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

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

-against-

M-2555
Ind. No. 77/07

Raul DeJesus,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit setting forth his indigency in compliance with CPLR 1101(a), including the amount and sources of his income and listing his property with its value.

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 June 19, 2008.

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

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

-against-

M-2556
Ind. No. 3073N/07

Claude Smith,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit setting forth his indigency in compliance with CPLR 1101(a), including the amount and sources of his income and listing his property with its value.

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 June 19, 2008.

PRESENT - Hon. Jonathon Lippman, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
Milton L. Williams
John T. Buckley, Justices.

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

Respondent,

-against-

M-2061
Ind. No. 5929/05

Gabriel Cabrera,

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 October 12, 2007,

And defendant-appellant having renewed the motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's compliance with the specific conditions set forth in the prior order of this Court entered on January 3, 2008 (M-6018), a copy of which is annexed hereto.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2008.

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

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

Respondent,

-against-

M-6018
Ind. No. 5929/05

Gabriel Cabrera,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 12, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Jeremy Schneider, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2008.

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

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

-against- M-1993
Ind. No. 5394/06

William Stepteau,
Defendant-Appellant.
-----X

An order of this Court having been entered on July 26, 2007 (M-3194), 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 May 29, 2007, 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 June 19, 2008.

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

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

-against-

M-2387
Ind. No. 2143/07

Hockeem Smith,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 11, 2007 (M-6029) 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 October 16, 2007, 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 June 19, 2008.

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

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

-against-

M-2394
Ind. No. 5746/06

Chris Rivera,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 23, 2007 (M-5129) 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 April 17, 2007, 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.

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 June 19, 2008.

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

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

-against-

M-2456
Ind. No. 1144/07

Rickey Pryor,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 23, 2007 (M-5109) 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 September 6, 2007, 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.

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 June 19, 2008.

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

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

-against-

Jorge Morell,
Defendant-Appellant.

M-2457
M-2673
Ind. No. 4698/06

-----X

An order of this Court having been entered on December 6, 2007 (M-5592) 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 May 17, 2007, and assigning Steven Banks, Esq., as counsel to prosecute the appeal,

And assigned counsel Steven Banks, Esq. (M-2457) and defendant-appellant (M-2673) having moved by separate motions for leave to relieve assigned counsel and to substitute other counsel to prosecute the aforesaid appeal, and for related relief,

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

Ordered that the motions are 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.

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 June 19, 2008.

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

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

-against-

M-2458
Ind. No. 2708/00

Anthony Bennett, also known as
Fitzgerald McClatchie,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 3, 2008 (M-5985) 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 August 2, 2007, 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.

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 June 19, 2008.

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

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

Respondent,

-against-

Vone Wynn,

Defendant-Appellant.

M-2537
DC # 88
Ind. No. 662/04

-----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 24, 2005,

And said appeal not having been brought on for hearing 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 May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2008 Term and counsel is directed to so perfect.

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 June 19, 2008.

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

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

Walter C.,
Petitioner-Respondent,

-against-

Jovanka F.,

Respondent-Appellant.
-----X

M-2895

DC #5

Docket Nos. V5393/99/00C

V5393/99/01D

V5393/99/02E

V5393/99/03F

V5393/99/03G

An appeal having been taken to this Court by respondent-appellant from the order of the Family Court, Bronx County, entered on or about April 27, 2006,

And said appeal not having been brought on for hearing 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 May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that the appellant's time to perfect the appeal is enlarged to the October 2008 Term and counsel is directed to so perfect.

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 June 19, 2008.

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

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

-against- M-2459
Ind. Nos. 4151/06
1830/07
Leonard Swinton, 2149/07
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, rendered on or about February 7, 2008,

And an order of this Court having been entered on April 8, 2008 (M-1288) denying defendant's motion for poor person relief and the assignment of counsel, with leave to renew upon defendant's compliance with certain conditions set forth therein, (under Ind. Nos. 4151/06 and 1830/07),

And defendant having renewed his motion for leave to prosecute, as a poor person, the aforesaid appeal (under Ind. Nos. 4151/06 and 1830/07), and for an order amending the notice of appeal to include Ind. No. 2149/07,

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 amending defendant's notice of appeal to include Ind. Nos. 4151/06, 1830/07 and 2149/07, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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 June 19, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

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

-against-

M-2379
Ind. No. 208/96

Yusef Sow,
Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the order of the Supreme Court, New York County (Arlene Silverman, J.) entered on or about November 17, 2005, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

Ordered that the motion is granted to the extent of deeming the appeal withdrawn.

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 June 19, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

-----X
Hass & Gottlieb,
Plaintiff-Respondent,

-against-

M-2306
Index No. 605043/01

Sook Hi Lee,
Defendant-Appellant.
-----X

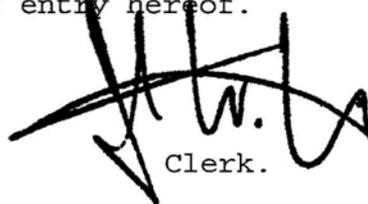
Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about May 29, 2007, and an order of said court entered on or about January 17, 2008 and an order and judgment (one paper) of said court entered on or about April 30, 2008, respectively,

And defendant-appellant having moved for a stay of enforcement of the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 30, 2008, pending hearing and determination of the appeal taken therefrom,

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 aforesaid appeals which are, sua sponte, consolidated, on or before August 4, 2008, for the October 2008 Term. Appellant is permitted to prosecute the consolidated appeals upon 10 copies of one record and one set of appellant's points covering the appeals. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

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 June 19, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

-----X

In the Matter of

Colin W.,

A Person Alleged to be a Juvenile
Delinquent,

M-2657
Docket No. D1739/07

Appellant.

-----X

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 July 18, 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 deeming the aforesaid premature notice of appeal timely filed and enlarging the time in which to perfect the appeal to the September 2008 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 June 19, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

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

Respondent,

-against-

M-2473
Ind. No. 4361/06

Venice Brown,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 14, 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 November 2008 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 June 19, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John T. Buckley
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Roberto Pereira,
Plaintiff-Respondent,

-against-

M-2147
Index No. 119147/03

RFD Second Avenue, LLC and
Tishman Construction Corporation
of New York,
Defendants,

Citywide Demolition and Rubbish
Removal, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 18, 2007 (mot. seq. no. 003),

And defendant-appellant having moved to withdraw 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 appeal is deemed withdrawn.

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 June 19, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

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

Respondent,

-against-

M-2378

Ind. No. 309/04

Bi Yuan Liu, also known as John Doe,

Defendant-Appellant.
-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County (Goodman, J.), rendered on or about May 4, 2005, and from the order of said Court (Tejada, J.), entered on or about December 6, 2006, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

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 June 19, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

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

Delores Tucker,
Petitioner,

M-2571

-against-

Index No. 400367/08

New York City Housing Authority,
Albany Houses,
Respondent.

-----X

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

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and upon a limited number of reproduced petitioner's briefs,

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 proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 10 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Ace Fire Underwriters Insurance
Company, etc., et al.,
Plaintiffs,

Pacific Employers Insurance Company,
Plaintiff-Respondent,

-against-

ITT Industries, Inc., etc.,
Defendant-Appellant,

M-2558
Index No. 600133/06
(mot. seq. nos. 042 & 044)

U.S. Silica Corporation, etc. et al.,
Defendants.

-----X
Ace Fire Underwriters Insurance
Company, etc., et al.,
Plaintiffs-Appellants,

-against-

ITT Industries, Inc., etc.,
Defendant-Respondent,

Index No. 600133/06
(mot. seq. no. 048)

U.S. Silica Corporation, etc., et al.,
Defendants,

Affiliated FM Insurance Company,
Defendant-Appellant,

Allianz Underwriters Insurance
Company, et al.,
Defendants,

OneBeacon America Insurance Company,
etc.,
Defendant-Appellant,

Underwriters at Lloyd's of London, et al.,
Defendant-Appellant.

-----X

Defendant-appellant ITT Industries, Inc., etc., having taken an appeal from the order of the Supreme Court, New York County, entered on or about July 20, 2007 (mot. seq. nos. 042 & 044),

And an appeal having been taken from the order of said Court, entered on or about August 21, 2007 (mot. seq. no. 048) by plaintiffs Ace Fire Underwriters Insurance Company, etc., et al.;

And separate appeals having been taken from the aforesaid order entered on or about August 21, 2007 by defendants, Affiliated FM Insurance Company; OneBeacon America Insurance Company, etc.; and Underwriters at Lloyd's London, et al.,

And the appellants having jointly moved for an enlargement of time in which to perfect the aforesaid respective appeals pending the outcome of an action entitled, Cannon Electric, Inc., et al. v Ace Property & Casualty Insurance Company, et al., presently pending in the Los Angeles County Superior Court, State of California, BC 290354,

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 of the appellants in which to perfect the appeal(s) to the June 2009 Term, with leave to seek a further enlargement if necessary.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

M-2303
Ind. No. 2828/07

Victor Marte,
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 15, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a notarized affidavit, setting forth his indigency in compliance with CPLR 1101(a), including the amount of sources of the funds used to retain trial counsel, J. Ballard, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. Catterson
James M. McGuire, Justices.

-----X
Kayoko Yaegashi,
Plaintiff-Appellant,

-against-

M-2160
Index No. 114945/05

Nelly Marins Aquilera, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 19, 2007 (mot. seq. no. 003),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the December 2008 Term, with no further enlargements to be granted.

E N T E R:


Clerk.