

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 26, 2008.

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

-----X
Raymond Posada, et al.,

Plaintiffs-Appellants,

-against-

M-2934X
Index No. 117447/04

Janusz Sendowski, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 6, 2007 (mot. seq. no. 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2008.

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

-----X
Isaac Salame,
Plaintiff-Respondent,

-against-

M-2935X
Index No. 604327/06

Eddie Allaham,
Defendant-Appellant,

E & Z Restaurant, LLC,
Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 17, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2008.

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

-----X
Deborah Moriarty and Patrick E.
Moriarty,
Plaintiffs,

-against-

M-2940X
Index No. 118110/03

Redux Realty LLC, et al.,
Defendants,

Thyssenkrupp Elevator Corporation,
Defendant-Respondent.

- - - - -
Redux Realty LLC and The Witkoff
Group LLC,
Third-Party Plaintiff,

-against-

Index No. 590584/05

Pepsi Co., Inc.,
Third-Party Defendant,

The Pepsi Bottling Group, Inc., and
Bottling Group LLC,
Third-Party Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 30, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 9, 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 26, 2008.

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

-----X
Young Cho, As Administrator Of the
Estate of Joowon Park, Deceased,
et al.,
Plaintiffs-Respondents,

-against-

M-2950X
Index No. 117104/03

New Whitehall Apartments, LLC,
et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 12, 2007 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 9, 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 26, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Reynolds Brown,
Plaintiff-Appellant-Respondent, M-2620

-against- Index No. 107423/01

VJB Construction Corp., et al.,
Defendants-Respondents.
- - - - -
[And a Third-Party Action] Index No. 590618/01
- - - - -

VJB Construction Corp.,
Second Third-Party
Plaintiff-Respondent-Respondent,

-against- Index No. 590764/02

Skylift Corporation,
Second Third-Party
Defendant-Respondent-Appellant.
-----X

Defendant-respondent 400 East 66th Street Co. LLC and second third-party defendant-respondent-appellant Skylift Corporation having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 10, 2008 (Appeal No. 2164),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Scott N. Singer, Esq., Sacks and Sacks, LLP, counsel for plaintiff-appellant, 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 June 26, 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-

M-2769
Ind. No. 4502/06

Felipe Arroyo,
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 1, 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 June 26, 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-2771
Case No. 58531C/05

Earl Cook,
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 7, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,


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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 June 26, 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-

M-2773
Ind. No. 2737/06

Wesley Jackson,
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 May 22, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

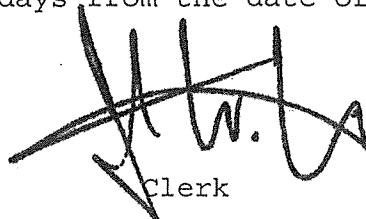
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 June 26, 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-2774
Ind. No. 5811/07

Jamel Dean,
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 March 6, 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 June 26, 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-2775
Ind. No. 2871/06

Lester Q. 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 May 1, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

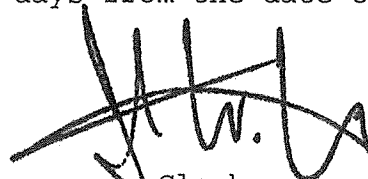
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 June 26, 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-2779
Ind. No. 5997/07

Bernardo Quiroz,
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 April 29, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

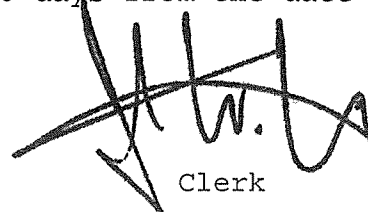
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 June 26, 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-

M-2782
Case No. 61004C/04

Wilson Toro,
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 May 16, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

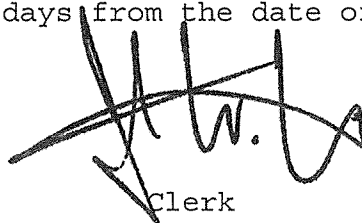
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 June 26, 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-2784
Ind. No. 9043/98

Gerald Marcellin,
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 May 29, 2001, 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 June 26, 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-

M-2786
Ind. No. 5073/96

Manuel Martinez,
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 May 9, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

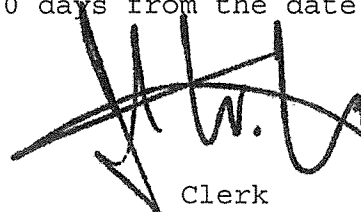
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 June 26, 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-

M-2865
Ind. No. 3127/07

Robert Bethea,
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 May 1, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

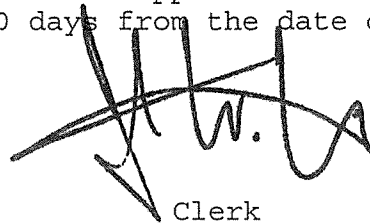
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 June 26, 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-2866
Ind. No. 6509/07

Viannet Dom, also known as
Viannet Espinal,
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 May 19, 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 June 26, 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-

M-2867
Ind. No. 1617/08

Matthew Lacks,
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 May 6, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

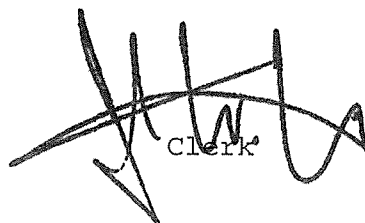
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 June 26, 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-

M-2869
Ind. Nos. 5914/07
714/08

Michael Neary,
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 April 2, 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 June 26, 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-

M-2870
Ind. No. 106/07

Reginald Pearson,
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 May 28, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

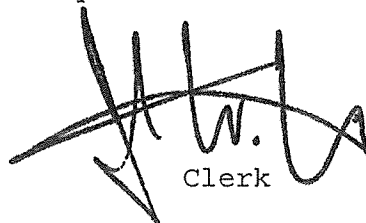
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 June 26, 2008.

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

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

-against-

M-2872

Ind. No. 851/07

Charles Stenson, t/n Charles
Stinson,
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 May 28, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

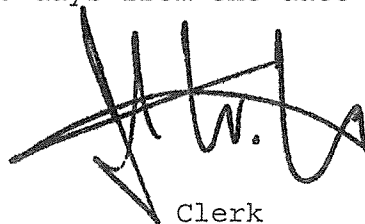
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 June 26, 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-2873
Ind. No. 1479/07

Alan Vega,
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 May 19, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

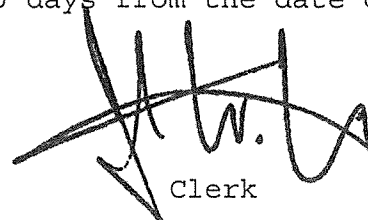
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 June 26, 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-2874
Ind. No. 3263/07

Jasiri Walloe,
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 May 30, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

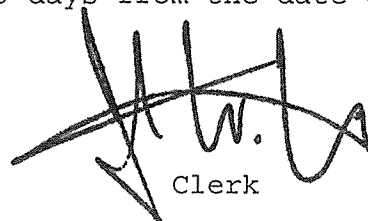
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 June 26, 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-2875
Ind. No. 1659/07

William Whaley,
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 April 4, 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 June 26, 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-

M-2886
Ind. No. 806/05

Perry McDowell,
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 April 27, 2006, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

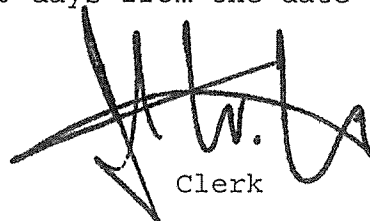
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 June 26, 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-2888
Ind. No. 1319/08

Lottie Manuel,
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 April 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 June 26, 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-

Fouhel Banabdrahime, also known as
Anjoliano Provchalye,
Defendant-Appellant.

M-2770
M-2777
Ind. Nos. 6076/07
4231/07

-----X

Defendant having moved, by duplicative motions, for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York 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,

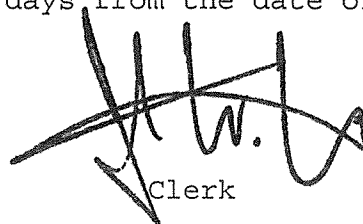
Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are 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 June 26, 2008.

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

-----X
In the Matter of the Application of
Maritza Del Valle,

Petitioner,

For a Judgment, etc.,

-against-

M-2414
DC #8
Index No. 22938/06

New York State Office of Children
and Family Services,

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 April 2, 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,

Now, upon the correspondence from Carol Fischer, Esq., dated May 12, 2008, and the stipulation of discontinuance annexed thereto, and upon the Court's own motion, it is

Ordered that the proceeding 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 26, 2008.

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

-----X
Jeffrey Rosner,
Petitioner,

For a Judgment, etc.,
-against-

M-2426
DC #20
Ind. No. 24513/06

New York City Department of
Corrections,
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, New York County, entered on or about April 23, 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 thereto,

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 26, 2008.

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

-----x
In the Matter of the Application of
Stanley Stephenson,
Petitioner,

For a Judgment, etc.,

M-2428

DC #22

-against-

Index No. 51220/04

Richard Pagan, Warden, etc.,
Respondent.

-----x

A decision and order of this Court having been entered on January 5, 2006 (Appeal No. 7494), unanimously reversing the order of the Supreme Court, Bronx County (Denis J. Boyle, J.), entered on April 15, 2004, dismissing the petition for a writ of habeas corpus, and deeming the petition to be one filed pursuant to CPLR Article 78 and reinstated as such, and said matter having been remanded for further proceedings,

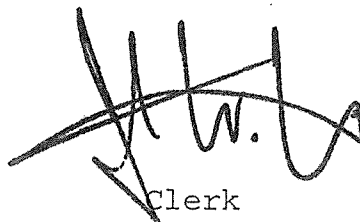
And said proceeding having been transferred to this Court by order of the Supreme Court entered on or about August 6, 2006, and not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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 thereto,

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 26, 2008.

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

-----X
Antoine Thompson,
Petitioner,

For a Judgment, etc.,
-against-

M-2431
DC #24
Ind. No. 52193/06

New York City Department of
Corrections, Warden, etc.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondent(s) having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about March 1, 2007,

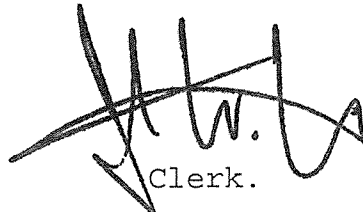
And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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 thereto,

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 26, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John T. Buckley
John W. Sweeny, Jr., Justices.

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

-against-

M-2445 (DC #35)
M-2567
Ind. No. 6089/02

Alton Brown,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 5, 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 (M-2445 [DC #35]),

And defendant-appellant having renewed his motion for assignment of counsel, and for related relief (M-2567),

Now, upon reading and filing the papers with respect to the appellant's motion (M-2567), and due deliberation having been had thereon, and upon the Court's own motion (M-2445 [DC #35]), it is

Ordered that Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Fl., New York, New York 10006, Telephone No. (212) 577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The limited poor person relief previously granted by order of this Court entered on September 13, 2007 (M-3733) 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 26, 2008.

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

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

-against-

M-2778
Ind. No. 3806/04

Kenneth Lewis,
Defendant-Appellant.

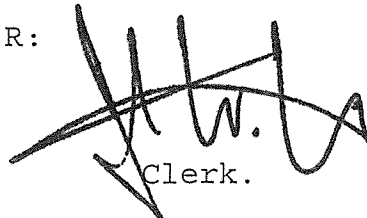
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 27, 2006, having moved for leave to file a pro se supplemental brief and for related relief, and said appeal having been perfected for the September 2008 Term,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before September 29, 2008 for the December 2008 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto, and the motion is otherwise denied. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 26, 2008.

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

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

-against-

Susan Gramson,
Defendant-Appellant.

M-2043
Ind. Nos. 2097/05
5328/05


-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on April 3, 2008 (Appeal No. 3275),

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 June 26, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----X
James Kosavick, et al.,
Plaintiffs-Appellants,

-against-

M-2560
Index No. 116685/05

Tishman Construction Corp. of
New York, et al.,
Defendants-Respondents.


-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 3, 2008 (Appeal No. 2892),

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 June 26, 2008.

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

-----X
Jack Einheber,
Plaintiff-Appellant,

-against-

M-2730
Index No. 114682/01

Eugene Fine, M.D., et al.,
Defendants-Respondents.
-----X

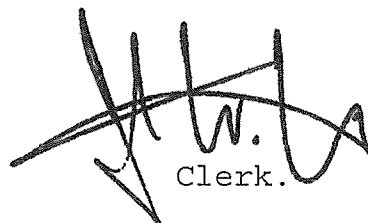
An order of this Court having been entered on April 22, 2008 (M-1496), inter alia, denying plaintiff-appellant's motion for an enlargement of time in which to perfect appeal from the judgment of the Supreme Court, New York County, entered on or about November 21, 2006, and sua sponte dismissing the aforesaid appeal,

And plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from the aforesaid order (M-1496),

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 26, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
Milton W. Williams, Justices.

-----X
The People of the State of New York
ex rel. Joseph Zablocki, on behalf
of Ernest Jones,
Petitioner-Appellant,

-against-

M-6140

Martin Horn, Commissioner,
New York City Department
of Corrections,
Respondent-Respondent.

SCID No. 30197/07

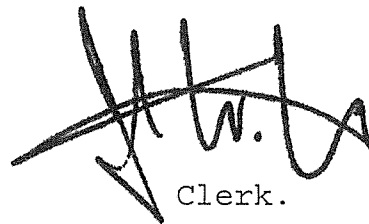
-----X

The above-named petitioner having moved for review of the order of the Supreme Court, New York County, entered on or about October 31, 2007, which denied petitioner's writ of habeas corpus and pre-trial release from custody,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal. 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 26, 2008.

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

-----X
Lisa J. Koch,

Plaintiff-Appellant,

-against-

M-2442 & M-2755
Index No. 112386/07

JPMorgan Chase Bank, et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for an order dismissing plaintiff-appellant's appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 14, 2008 (M-2442),

And plaintiff-appellant having cross-moved to enlarge the time in which to perfect the aforesaid appeal and to stay the transfer of certain shares and a lease in this action, pending hearing and determination of the aforesaid appeal (M-2755),

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 to dismiss the appeal is granted unless the appeal is perfected for the October 2008 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the appellant within 10 days after the date of entry hereof. The cross motion is granted to the extent indicated. So much of the cross motion which seeks a stay of transfer 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 June 26, 2008.

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

-----X
Paula N. Frye, Individually and
as Mother and Natural Guardian of
Skerkell Richardlee Frye-Samuels,
Plaintiff-Respondent,

-against-

M-2639
Index No. 49939/02

Montefiore Medical Center, et al.,
Defendants-Appellants,

Norbert Berger, M.D.,
Defendant-Appellant,

Franlina Umali, M.D., et al.,
Defendants.

-----X

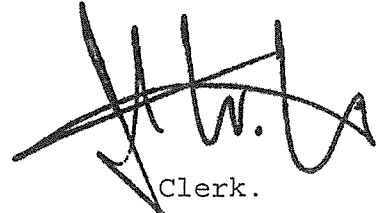
Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about August 6, 2007,

And defendant-appellant Norbert Berger M.D. having moved for an enlargement of time in which to perfect his appeal,

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

It is ordered that the motion is granted to the extent of enlarging appellant Berger's time in which to perfect the appeal to on or before August 4, 2008 for the October 2008 Term, to which Term the appeal taken by the other appellants is adjourned. Appellant Berger is granted leave to perfect upon the joint record/appendix heretofore filed upon condition that appellant undertakes to pay his proportionate share of the cost of the reproduction of said joint record/appendix.

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 26, 2008.

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

-----X
Rebecca King Kaplan, an infant
by her mother and natural guardian
Melissa King Kaplan,
Plaintiff-Appellant,

-against-

M-2703
Index No. 7009/00

Robin B. Karpfen, M.D., et al.,
Defendants-Respondents.

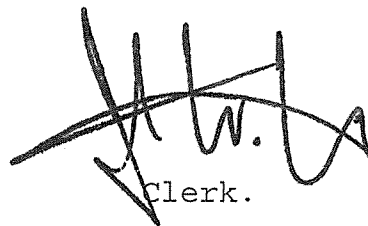
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 13, 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 appellant's time in which to perfect the appeal to on or before August 4, 2008 for the October 2008 Term, with no further enlargements to be granted.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2008.

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

-----X
Eileen F. Breen, David Klein
and William J. Williams, Jr.,
Plaintiffs-Respondents-Appellants,

M-2540

Action No. 1
Index No. 23709/05

-against-

LLM Associates, LLC,
Defendants-Appellants-Respondents,

City Island Frank Associates, et al.,
Defendants.

-----X
LLM Associates, LLC and Frank A.
Ciolli,
Plaintiffs-Appellants-Respondents,

Action No. 2
Index No. 21397/05

-against-

Eileen F. Breen, David Klein
and William J. Williams, Jr.,
Defendants-Respondents-Appellants.

-----X
Eileen F. Breen,
Plaintiff-Respondent-Appellant,

Action No. 3
Index No. 23605/05

-against-

Frank A. Ciolli and LLM Associates,
LLC,
Defendants-Appellants-Respondents.

-----X

LLM Associates, LLC and Frank A. Ciolli having taken an appeal from the order of the Supreme Court, Bronx County, entered on or about August 29, 2007,

And Eileen F. Breen, David Klein and William J. Williams, Jr. having taken separate cross appeals in each of the above captioned actions from the aforesaid order,

And the parties having jointly moved for consolidation of, and for an enlargement of time in which to perfect their respective appeals,

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

It is ordered that the motion is granted to the extent of consolidating all the separate appeals herein. The time to perfect the consolidated appeals is enlarged to the November 2008 Term. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

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 26, 2008.

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

-----X
Francis Demeri,
Plaintiff,

-against-

M-2892
Index No. 305701/04

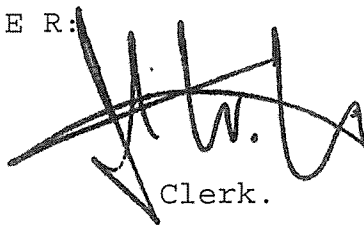
Barbara Demeri,
Defendant.
-----X

Defendant having moved, pursuant to CPLR 5704(a), for certain relief denied by order of a Justice of the Supreme Court, New York County, on or about May 8, 2008 (mot. seq. no. 009),

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 26, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Luis A. Gonzalez
John T. Buckley
James M. Catterson, Justices.

-----X
Sandra L. O.,
Plaintiff-Respondent,

-against-

M-2649
Index No. 32353/81

Andre A. O.,
Defendant-Appellant.

-----X

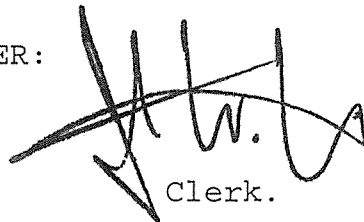
Consolidated appeals having been taken from the judgment of the Supreme Court, New York County, entered on or about June 25, 2007, and from the modified judgment of said court entered on or about July 23, 2007, respectively,

And Robert B. Anesi, Esq., counsel for defendant-appellant, having moved for an order relieving him as counsel on the consolidated appeals, 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 on condition that, within 10 days of the date of entry hereof, counsel serve a copy of this order upon the parties herein.

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 26, 2008.

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

-----X
151 Avenue C Restaurant Inc.,
Plaintiff-Appellant,

-against-

M-2447
Index No. 115298/07

3127 Tiemann Avenue Realty Corp.,
Defendant-Respondent.
-----X

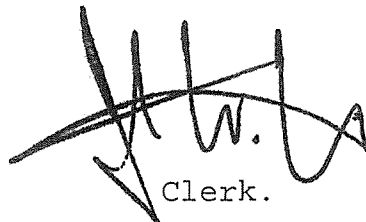
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 5, 2008 (mot. seq. no. 001),

And plaintiff-appellant having moved for a preliminary appellate injunction in the nature of Yellowstone relief 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 June 26, 2008.

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

-----X
Salvador Figueroa,
Plaintiff-Respondent,

-against-

West 170th Realty, Inc.,
Defendant-Respondent,

M-2760
Index No. 18242/05

-and-

Bronx 99 Cents, LLC,
Defendant-Appellant,

-and-

A&R Dollar, LLC, doing business as
Liberty Dollar, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 10, 2008,

And plaintiff-respondent having moved for leave to supplement the record on appeal to include a certain affidavit, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2008.

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

-----x
Mushlam, Inc.,

Plaintiff-Respondent,

-against-

M-2899
Index No. 100207/08

Marie Nazor, et al.,

Defendants-Appellants.
-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about April 7, 2008 and June 3, 2008, respectively,

And defendants-appellants having moved, pursuant to CPLR 5519(c) and CPLR 2221, for a stay of so much of the orders directing the payment of use and occupancy, pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is 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 26, 2008.

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

-----X
In the Matter of the Application of
Deborah Bobian,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

M-2928
Index No. 406539/07

-against-

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

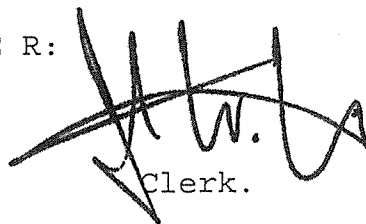
Appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 17, 2008 and from the order of said court entered on or about April 14, 2008, respectively,

And respondent-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted on consent, to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

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 26, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Milton W. Williams, Justices.

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

Respondent,

-against-

M-1108
Ind. No. 4161/06

Jose Gonzalez,

Defendant-Appellant.
-----X

An order of this Court having been entered on November 27, 2007 (M-5107), denying defendant-appellant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 19, 2007, with leave to renew, as indicated,

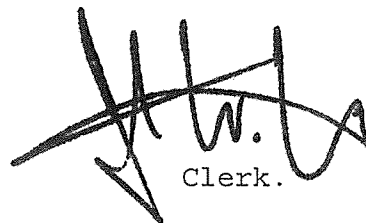
And defendant-appellant having moved for permission to proceed pro se and for an enlargement of time in which to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion; and a letter having been issued by the Court to appellant on February 26, 2008, advising him of the consequences of proceeding pro se, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of directing the Clerk and to forward to the Warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se appellate brief.

The time in which appellant shall perfect the appeal is enlarged to the November 2008 Term. Appellant is advised that the appeal will not be heard unless and until all material furnished to him has been returned to this Court.

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 26, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Dianne T. Renwick, Justices.

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

-against-

M-1470
Ind. No. 10112/88

Vincent Hurley,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 31, 1994 (Appeal No. 51613) unanimously affirming a judgment of the Supreme Court, New York County (Robert Haft, J.), rendered on or about July 5, 1989 and an order of said court (Peter McQuillan, J.), entered on June 3, 1992,

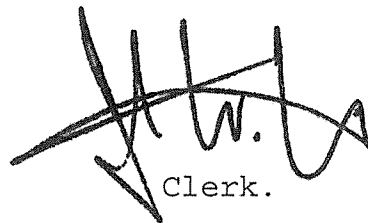
And an order of this Court having been entered on March 14, 1995 (M-39), denying defendant's motion, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

And defendant having moved for an order granting reargument of the aforesaid order (M-39),

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 June 26, 2008.

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

-----X
Juaquin Figueroa, etc.,
Plaintiff-Respondent,

-against-

M-2335
Index No. 6017/03

New York City Health and Hospitals
Corporation (Jacobi Medical Center),
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 25, 2008 (Appeal Nos. 3163N-3163NA),

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 26, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Milton W. Williams
John W. Sweeny, Jr., Justices.

-----X
Joann Negron,
Plaintiff-

-against-

Daniel Grinberg Topelson, et al.,
Defendants.

M-2619

Index Nos. 18515/00
83641/02

Chrysler Financial Company, LLP,
Third-Party Plaintiff-Appellant,

-against

Richard Radna, M.D.,
Third-Party Defendant-Respondent.

-----X

Third-party plaintiff-appellant Chrysler Financial Company, LLP, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 24, 2008 (Appeal No. 3468),

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 June 26, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Milton W. Williams, Justices.

-----X
In re Michelle F.F.,
Petitioner-Respondent,

-against-

Edward J.F., Jr.,
Respondent-Appellant.

M-2301
Docket Nos. U 149-00/03B
U 140-00/00A

-----X

Respondent Edward J.F., Jr. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 8, 2008 (Appeal Nos. 3296, 3296A),

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 June 26, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Eugene Nardelli
James M. Catterson, Justices.

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

-against-

M-1679
Ind. No. 2206/91

Damon Green,
Defendant-Appellant.

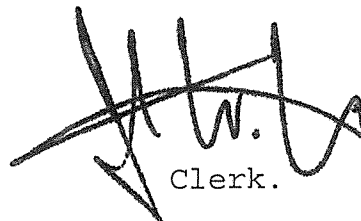
-----X

Defendant-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on March 27, 1997 (Appeal No. 59596),

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 26, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Milton L. Williams
Dianne T. Renwick, Justices.

-----X
Rutgers Casualty Insurance Company,
Plaintiff-Respondent,

-against-

M-2557
Index No. 106584/05

Geo-Tech Industrial Corp.,
Defendant-Appellant,

IDI Construction Corp.,
Defendant-Respondent.

-----X
Geo-Tech Industrial Corp.,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 590397/06

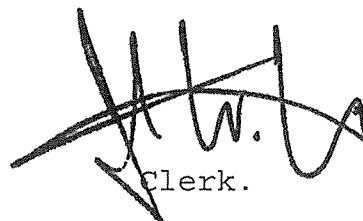
Robert P. Brady Agency, Inc.,
Buckingham Badler Associates, Inc. and
Buckingham of Long Island, LLC,
Third-Party Defendants-Respondents.

-----X
Third-party defendant-respondent, Buckingham of Long Island, LLC, having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about July 6, 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 and the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 26, 2008.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Milton L. Williams
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of
Carl McIntosh,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-2482
Index No. 400569/07

-against-

New York City Housing Authority,
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 August 1, 2007 (mot. seq. no. 001), to review a determination of respondent,

And respondent having moved to dismiss the aforesaid proceeding and to vacate the stay of eviction afforded petitioner in 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 granted, the proceeding is dismissed, and the stay of eviction afforded petitioner in the aforesaid order of the Supreme Court is vacated.

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 26, 2008.

Present - Hon. Angela M. Mazzarelli Justice Presiding,
 Milton L. Williams
 James M. Catterson
 Dianne T. Renwick, Justices.

-----X
In the Matter of a Family Offense
Under Article 8 of the Family Court Act.

Jasmin H.,
 Petitioner-Respondent,

M-1616

Docket No. 0692/07

-against-

Mark C.,
 Respondent-Appellant.

- - - - -
In the Matter of a Family Offense
Under Article 8 of the Family Court Act.

Mark C.,
 Petitioner-Appellant,

Docket No. 0701/07

-against-

Jasmin H.,
 Respondent-Respondent.

-----X

Petitioner/respondent-respondent, Jasmin H., having moved for leave to respond, as a poor person, to the appeals taken from orders of the Family Court, New York County, both entered on or about July 20, 2007, for the assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and § 110 of the Family Court Act, Julian Hertz, Esq., 15 Sherwood Drive, Larchmont, New York 10538, Telephone No. 914-834-5461, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court.

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 26, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Luis A. Gonzalez
Rolando T. Acosta, Justices.

-----X
In re Saraphina Ameila S.,

A Dependent Child Under the
Age of Eighteen Years, etc.,

M-2494
Docket No. B5144/04

Rosa Mary W.,
Respondent-Appellant,

New Alternatives For Children, Inc.,
Petitioner-Respondent.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 10, 2008 (Appeal No. 3330),

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 26, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

-----X

Frantz Dextra,

Petitioner,

-against-

M-107

Index No. 109141/03

The City of New York, et al.,

Respondents.

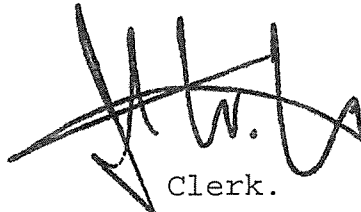
-----X

Municipal respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 13, 2007 (Appeal No. 2366),

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 June 26, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Norberto Aponte,
Plaintiff-Respondent,

-against-

M-2127
Index No. 15687/04

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

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 7, 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.

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 26, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
David Berger,

Plaintiff,

M-2700

-against-

Index No. 14994/93

Celia & Juan Realty Corp., et al.,

Defendants.
-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, Bronx County, on or about April 16, 2008,

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

Ordered that the motion is 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 26, 2008.

Present - Hon. David Friedman,
Luis A. Gonzalez
James M. McGuire
Karla Moskowitz,

Justice Presiding,

Justices.

-----X

Amy Lipman,

Plaintiff-Appellant,

-against-

M-2719

Index No. 100155/07

Gail Ionescu,

Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on March 27, 2008 (Appeal No. 3167),

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 26, 2008.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,
Milton W. Williams
James M. Catterson Justices.
Karla Moskowitz,

-----X
Beverly Williams-Gardner,
Plaintiff-Appellant,

-against-

M-2272
Index No. 102496/05

Elizabeth A. Almeyda,
Defendant-Respondent,

St. Luke's-Roosevelt Hospital Center,
Defendant.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 1, 2008 (Appeal No. 3243),

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 June 26, 2008.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,
Milton L. Williams
John T. Buckley
James M. Catterson, Justices.

-----X
Zion Tsabbar, D.D.S.,
Plaintiff-Appellant,

-against-

17 East 89th Street Tenants, Inc.,
et al.,
Defendants-Respondents.

M-2598
M-2816
Index No. 108901/05

-----X

Plaintiff having taken appeals from the orders of the Supreme Court, New York County, entered on or about October 10, 2007 (mot. seq. no. 004) and March 13, 2008 (mot. seq. no. 007), respectively,

And plaintiff-appellant having moved for a stay of enforcement of the aforesaid orders which awarded respondents' counsels fees and imposition of sanctions, pending hearing and determination of the appeals taken therefrom (M-2598),

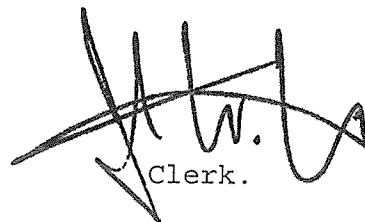
And defendants-respondents having cross-moved for an order dismissing the aforesaid appeals (M-2816),

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 is denied (M-2598); the cross-motion is granted and the appeals are dismissed with \$100 costs (M-2816).

Sua sponte, the matter is remanded to Supreme Court, New York County, for determination of the appropriate sanctions and attorneys' fees, to be imposed upon plaintiff, necessitated by the defense of this action, up to and including the instant motion not duplicative of the relief afforded defendants by the order of this Court entered on May 22, 2008 (M-1520) a copy of which is annexed hereto and incorporated herein.

E N T E R:


Clerk.

5

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 May 22, 2008.

Present - Hon. Luis A. Gonzalez, Justice Presiding,
Milton L. Williams
John T. Buckley
James M. Catterson, Justices.

-----x
Zion Tsabbar, D.D.S.,
Plaintiff-Appellant,

-against-

M-1520
Index No. 404045/04

17 East 89th Street Tenants, Inc.,
et al.,
Defendants-Respondents.
-----x

A decision and order of this Court having been entered on October 31, 2000 (*Tsabbar v Auld, et al.*, 276 AD2d 442 [2000]), affirming the order of the Supreme Court, New York County, (Paula J. Omansky, J.) entered on October 31, 1999, denying plaintiff's motion for partial summary judgment and holding that plaintiff's agreements with other healthcare professionals were not mere licenses but subleases for which approval was required under plaintiff's proprietary lease with defendant cooperative corporation,

And a decision and order of this Court having been entered on December 18, 2001 (*Tsabbar v Auld, et al.*, 289 AD2d 115 [2001], lv denied 98 NY2d 613 [2002]), inter alia, affirming the order of the Supreme Court, New York County (Paula J. Omansky, J.), entered January 25, 2001, which granted defendants' motion for summary judgment dismissing the complaint,

And a decision and order of this Court having been entered on December 24, 2002 (*Tsabbar v Delena, et al.*, 300 AD2d 196, 197 [2002], lv denied 100 NY2d 508 [2003]), affirming the order of the Supreme Court New York County (Walter Tolub, J.) entered October 1, 2001, which, inter alia, granted defendants' motion for summary judgment dismissing certain of plaintiff's claims with respect to his unsuccessful quest to sublet his professional cooperative apartment without board approval as barred by the doctrine of res judicata and collateral estoppel, and advising plaintiff that any further attempt by plaintiff to evade the underlying order proscribing his bringing any further litigation arising out of the allegations asserted therein would subject him to the imposition of sanctions pursuant to 22 NYCRR 130-1.1(a) and (c),

And a decision and order of this Court having been entered on April 22, 2004 (*17 East 89th Street Tenants, Inc. v Tsabbar*, 6 AD3d 309 [2004], lv to appeal dismissed in part, denied in part, 3 NY3d 686 [2004], reargument denied 3 NY3d 767 [2004]), affirming the order and judgment (one paper) of the Supreme Court, New York County (Joan A. Madden, J.), entered on April 29, 2003, which, inter alia, granted plaintiff cooperative summary judgment on its entire complaint including claims for ejectment, use and occupancy, attorneys fees and rent arrears,

And a decision and order of this Court having been entered on February 16, 2006 (*Tsabbar v Auld, et al.*, 26 AD2d 233 [2006]), inter alia, affirming the order of the Supreme Court, New York County (Paula J. Omansky, J.) entered December 1, 2004, which denied plaintiff's motion to vacate orders of the Supreme Court entered on or about October 19, 1999 and January 18, 2001, respectively, with respect to his professional cooperative apartment, and imposing sanctions upon plaintiff pursuant to 22 NYCRR 130-1.1 and awarding attorneys' fees, and directing the Clerks of the Supreme Court, New York and Bronx Counties, and the Clerk of the Appellate Division, First Department, to accept no further filings from this plaintiff as to the matter of plaintiff's professional cooperative apartment without prior leave of their respective courts,

And plaintiff having taken a further appeal to this Court from the order of the Supreme Court, New York County (Joan A. Madden, J.), entered on or about January 28, 2008 (Index No. 404045/04) which, inter alia, granted defendants' motion to dismiss the complaint with respect to plaintiff's professional cooperative apartment upon the grounds of collateral estoppel and res judicata,

And defendants-respondents having moved for dismissal of the aforesaid appeal from the order of the Supreme Court 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 and the appeal is dismissed with \$100 costs.

Sua sponte, the matter is remanded to Supreme Court, New York County, for determination of the appropriate sanctions and attorneys' fees, to be imposed upon plaintiff, necessitated by the defense of this action, up to and including the instant motion. Said appeal and the underlying premises of this action are in violation of the order(s) of this Court proscribing such litigation which orders have previously adjudicated this matter to its conclusion.

ENTER:



Clerk