

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 8, 2008.

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

-----X  
Metro Masons, Inc.,  
Plaintiff-Appellant-Respondent,

-against-

M-2102  
Index No. 105795/04

RFD 425 Fifth Avenue LLC, RFD 425 Fifth Avenue, L.P., Davis Construction Company, Inc., AAF-McQuay, Inc., Atlas Woodworking, Inc. and Robert Elevator, Co.,  
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 27, 2006 (mot. seq. no. 009),

Now, upon reading and filing the stipulations of discontinuance of the aforesaid appeal and cross appeal both filed on April 22, 2008, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulations.

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 May 8, 2008.

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

-----X  
Shelly Malter and Howard Malter,  
Plaintiffs-Respondents,

-against-

M-2109X  
Index No. 7830/05

Arthur L. Mass and Jeffrey Mazlin,  
Defendants-Appellants.

-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about June 13, 2007 and October 22, 2007, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 22, 2008, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 May 8, 2008.

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

-----X  
Citibank, N.A.,  
Plaintiff,

-against-

M-2120X  
Index No. 118797/01

American Banana Co., Inc., Market  
Truck Rental Corp., Mouyios Company,  
Inc., American Banana Realty LLC,  
George Contos, Demetrios Contos,  
George Pangalos and Alfred Allega,  
Defendants,

George Mouyios,  
Defendant-Appellant,

Pauline Mouyios,  
Non-Party Appellant,

George Liakeas,  
Judgment Creditor-Respondent.

-----X  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 11, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 23, 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 May 8, 2008.

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

-----X  
Clove Lakes Development Corp., et al.,  
Plaintiffs-Appellants,

-against-

M-2121X  
Index No. 602663/06

MPC Development, LLC, et al.,  
Defendants-Respondents,  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 2, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 23, 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 May 8, 2008.

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

-----X  
Liman A. Ruddock,  
Plaintiff-Respondent,

-against-

95 Maiden Lane LLC, et al.,  
Defendants-Appellants.

M-2122X  
Index No. 107101/06

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 9, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 23, 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 May 8, 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-2154  
Ind. No. 5789/05

Frank Hall,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 7, 2007,

Now, upon reading and filing the stipulation dated April 18, 2008 withdrawing the appeal, 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 May 8, 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-1900**  
Ind. Nos. 9473/94  
2036/84

Arthur Blake, also known as Robert Johnson, also known as Ronald Boyd,  
Defendant-Appellant.

-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of resentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 May 8, 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-1902**

Ind. No. 3679/07

Mohamed Hossain,  
Defendant-Appellant.

-----X

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

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

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

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

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

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 May 8, 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-1903  
Ind. No. 4758N/06

Leonard Jones,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 7, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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 May 8, 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-1904**  
Ind. No. 1070/07

Mujahid Muhammad,  
Defendant-Appellant.

-----X

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

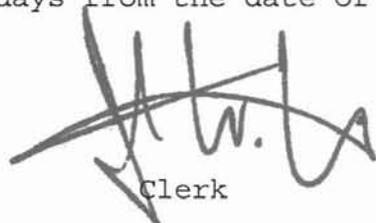
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

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 May 8, 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-1906  
Ind. No. 2680/07

Carroll Smith,  
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 5, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 May 8, 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-1917  
Ind. No. 1410/03

Victor Rondon,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 4, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

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 May 8, 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-1907  
Ind. No. 4598/07

Linda Taylor,  
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 25, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

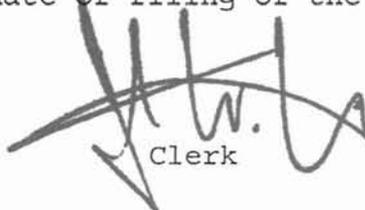
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Fl., New York, New York 10006, Tel. 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 May 8, 2008.

PRESENT - Hon. Jonathan Lippman,  
Richard T. Andrias  
Milton W. Williams  
James M. McGuire,

Presiding Justice,  
  
Justices.

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

-against-

M-1648  
Ind. No. 3386/02

Narayanan Appukutta,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 19, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 ten 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, 11<sup>th</sup> 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 May 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

M-1500  
Ind. No. 6717/06

Jorge Disla,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 30, 2007, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to pay the fee of trial counsel, S. Rubin, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

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 May 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

-against-

M-1888  
Ind. No. 714/06

Allen Jerome Johnson,  
Defendant-Appellant.

-----X

An order of this Court having been entered on February 7, 2008 (M-36), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 26, 2008,

And defendant having moved for an extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 7, 2008 for the September 2008 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

The Jewish Association for Services  
for the Aged,  
Petitioner-Respondent,

M-2084  
Index No. 402583/07

For the Appointment of a Guardian  
of the Person and Property of  
David K., an Alleged Incapacitated  
Person (AIP),  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 30, 2007,

And Namita Gupta, Esq., Mental Hygiene Legal Services, having moved on behalf of respondent-appellant to stay the appointment of a guardian, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected for the September 2008 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioner-respondent serve a copy of this order upon respondent-appellant within 10 days after the date of entry hereof.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Isabel Danvers,  
Plaintiff-Respondent-Appellant,

-against-

M-1821  
Index No. 21446/99

New York City Transit Authority  
and M.A.B.S.T.O.A.,  
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about June 14, 2007,

And, defendants having moved for an enlargement of time in which to perfect the appeal from the aforesaid judgment,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the September 2008 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT - Hon: Jonathan Lippman, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
In the Matter of

Jonathan R.,  
A Person Alleged to be a Juvenile  
Delinquent

M-1653  
Docket No. D-9510/06

Respondent-Appellant.  
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about September 28, 2007,

And appellant having moved for a reconstruction of the proceedings held on May 9, 2007 and May 15, 2007, respectively, 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 due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of remanding the matter to the Family Court, Bronx County, for reconstruction of the proceedings held on May 9, 2007 and May 15, 2007 before Hon. Alma Cordova as expeditiously as possible. Appellant's counsel is directed to serve a copy of this order upon the Clerk of said Court within 10 days from the date of entry hereof, and the Clerk is directed to have the minutes of the proceedings transcribed and delivered to appellant's counsel for inclusion in the record within 30 days of the conclusion of said reconstruction.

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 May 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

M-1620  
Ind. No. 571/02

Abdul Rauf,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 15, 2004,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

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

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

-against-

M-1865  
Ind. No. 4273/05

Miguel Rivera,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 10, 2006,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton W. Williams, Justices.

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

-against-

M-1757  
SCI No. 6059/00

Francisco DeLaRosa,  
Defendant-Appellant.

-----X

Defendant's assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of resentence of the Supreme Court, New York County, rendered on or about January 6, 2005, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton W. Williams, Justices.

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

-against-

M-1778  
Case No. 6214C/04

Miguel Garcia,  
Defendant-Appellant.

-----X

Defendant's assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 16, 2005, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Milton W. Williams, Justices.

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

-against-

M-1712  
Ind. No. 4205/06

Andrew Rodriguez,  
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 January 30, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

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

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

M-1737  
M-1897

-against-

Ind. No. 798/97

Koren Stanley,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 7, 1998, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief (M-1737),

And the People having cross-moved to dismiss the aforesaid appeal (M-1897),

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 (M-1737) is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. The cross motion (M-1897) 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 May 8, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton W. Williams, Justices.

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

-against-

M-1786  
Ind. No. 1678/06

Manuel Valdez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 20, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton W. Williams, Justices.

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

-against-

M-1797  
Ind. No. 2976/07

Kevin Williams,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 4, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton L. Williams, Justices.

-----X  
Susan Rowley,  
Plaintiff-Respondent,

-against-

M-1730  
Index No. 301471/06

Mark J. Amrhein,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an order staying the enforcement of the judgment of divorce of the Supreme Court, New York County, entered on or about March 12, 2008, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent of staying so much of the judgment with respect to the "lump sum" payment provisions thereof on condition that 1) appellant meets all current obligations pursuant to the judgment; 2) that appellant continue to maintain the entire amount in the "Allview Escrow" and 3) perfects the appeal for the September 2008 Term. The motion is otherwise denied. Upon appellant's failure to meet any of the aforesaid conditions respondent may move on notice to vacate the stay.

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 May 8, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton W. Williams, Justices.

-----X  
Anne Fielding,  
Plaintiff-Appellant,

-against-

M-1466  
Index No. 116667/04

Verizon New York, Inc., et al.,  
Defendants-Respondents,

Ruckel's Inc.,  
Defendant-Respondent,

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

Triumph Construction Corp.,  
Defendant.

-----X

Plaintiff-appellant having moved for an order enlarging the time in which to perfect the consolidated appeal from orders of the Supreme Court, New York County, entered on or about January 25, 2007 and August 30, 2007, respectively, and to consolidate the consolidated appeals with the appeal taken by plaintiff from the order of said Court entered on or about January 23, 2008 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals, which are sua sponte consolidated, to the September 2008 Term. Appellant is permitted to prosecute the appeals upon 10 copies of one record and one copy of appellant's points covering the aforesaid appeals. To the extent that plaintiff appeals the action as

against defendant Triumph Construction Corp., said appeal is deemed withdrawn as against said defendant pursuant to the stipulation of the parties dated April 14, 2008.

ENTER:

A handwritten signature in black ink, consisting of several overlapping, stylized strokes. The signature is positioned above the word "Clerk".

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 May 8, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton L. Williams, Justices.

-----X  
In the Matter of the Application of  
Anita Vasquez,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-1747  
Index No. 113892/06

-against-

New York City Housing Authority  
(Robert Fulton Houses),  
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 June 5, 2007,

And petitioner having moved for an enlargement of time in which to perfect the aforesaid proceeding,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the proceeding to the September 2008 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton L. Williams, Justices.

-----X  
Sarit Shmueli,

Plaintiff-Respondent,

-against-

M-1862  
Index No. 104824/03

NRT New York, Inc., doing business  
as The Corcoran Group,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 5, 2007,

And plaintiff-respondent having moved to modify the case caption to reinstate a certain defendant, to hold the law firm of Morris Duffy Alonso & Fahey and Barry Viuker, Esq., liable for certain conduct and for attorneys fees and sanctions,

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 May 8, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Milton L. Williams  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Robert Williams,  
Plaintiff-Respondent,

-against-

7-31 Limited Partnership, et al.,  
Defendants,

Independent Aerial Equipment,  
Defendant-Appellant.

-----X  
Independent Aerial Equipment,  
Third-Party Plaintiff-Appellant,

-against-

Enclos Corp.,  
Third-Party Defendant-Respondent.

-----X

M-1857  
Index No. 103244/04

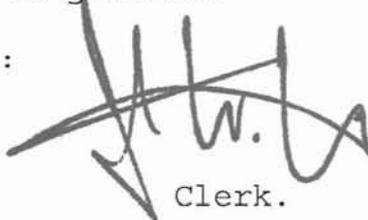
Third-Party  
Index No. 590477/04

Defendant/third-party plaintiff-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 31, 2007 (mot. seq. no. 005),

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 May 8, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

**M-1813**  
Ind. No. 11913/93

Roberto Lisiel,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Louis Bart Stone, J.) entered on or about November 3, 2005, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

Daniel Leak,  
Defendant-Appellant.

M-1649  
Ind. Nos. 3021/07  
2916/07

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 19, 2007, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to pay the fee of trial counsel, Matthew Endlich, Esq., and to post the \$300,000 bail bond in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 8, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

M-1739  
Ind. No. 10589/97

Wilson Feliciano,  
Defendant-Appellant.

-----X

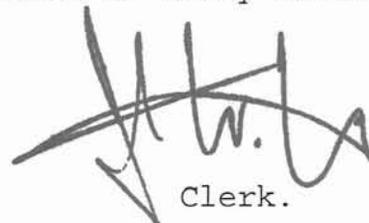
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 5, 2006,

And defendant-appellant having moved for an order enlarging the judgment roll to include, and directing the court reporter(s) to transcribe, the minutes of the adjourn dates for the purpose of monitoring appellant's compliance with a drug treatment program for the dates May 20, 1998 through August 14, 2006, in Parts 60 and Part 70, respectively, as enumerated on pages 4 through 8 in the affirmation of the moving papers, as annexed hereto,

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

It is ordered that the motion is granted to the extent of enlarging the record on appeal to include, and directing the Clerk of the Supreme Court, New York County, to have transcribed those appearances enumerated on the addendum annexed hereto for inclusion in the record on appeal, within 30 days from the date of service upon the Clerk of a copy of this order, which counsel is directed to serve upon the Clerk and the individual court reporter(s) within 10 days from the date of entry hereof.

ENTER:

  
Clerk.

ADDENDUM

<u>Date</u>	<u>Part</u>	<u>Judge</u>	<u>Reporter</u>
05/20/1998	AA60	Soloff	Felicett
07/15/1998	AA60	Soloff	Loverro
09/09/1998	AA60	Soloff	Biagioli
11/04/1998	AA60	Soloff	Rodriguez
01/13/1999	AA60	Soloff	Landi
03/24/1999	AA60	Soloff	Scudder
06/02/1999	AA60	Soloff	Loverro
07/28/1999	AA60	Soloff	Kern
08/25/1999	AA60	Soloff	Biagioli
09/22/1999	AA60	Soloff	Taylor
10/20/1999	AA60	Soloff	Taylor
11/16/1999	AA60	Soloff	Rodriguez

<u>Date</u>	<u>Part</u>	<u>Judge</u>	<u>Reporter</u>
12/14/1999	AA60	Soloff	Malik
01/19/2000	AA60	Soloff	Taylor
03/01/2000	AA60	Soloff	Pugh
05/10/2000	AA60	Soloff	Loverro
06/21/2000	AA60	Soloff	Catapano
08/02/2000	AA60	Soloff	Pugh
09/28/2000	AA60	Soloff	Loverro
11/28/2000	AA60	Soloff	Klein
01/23/2001	AA60	Soloff	Davidson
03/20/2001	AA60	Soloff	Horan
05/15/2001	AA60	Soloff	Horan
06/11/2001	AA60	Soloff	Horan
06/19/2001	AA60	Soloff	Moscato
06/26/2001	AA60	Soloff	Horan
06/29/2001	AA60	Soloff	Moscato
07/19/2001	AA60	Soloff	Horan
08/08/2001	AA60	Soloff	Rodriguez
08/15/2001	AA60	Fitzgerald	Messina
09/07/2001	AA60	Soloff	Urgo
09/21/2001	AA60	Soloff	Moscato
10/16/2001	AA60	Soloff	Pugh

<u>Date</u>	<u>Part</u>	<u>Judge</u>	<u>Reporter</u>
11/07/2001	AA60	Soloff	Pugh
11/26/2001	AA60	Soloff	Pugh
12/17/2001	AA60	Soloff	Moscato
01/10/2002	AA60	Soloff	Moscato
01/24/2002	AA60	Soloff	Moscato
02/05/2002	AA60	Soloff	Pugh
02/06/2002	AA60	Soloff	Pugh
03/06/2002	AA60	Soloff	Pugh
05/09/2002	AA60	Soloff	Pugh
07/18/2002	AA60	Soloff	Pugh
09/12/2002	AA60	Soloff	Moscato
11/07/2002	AA60	Soloff	Moscato
01/09/2003	AA60	Soloff	Pugh
03/06/2003	AA60	Soloff	Love
05/01/2003	AA60	Soloff	Corcoran
06/26/2003	AA60	Soloff	Barillaro
09/04/2003	AA60	Soloff	Barillaro
10/30/2003	AA60	Soloff	Singh
01/08/2004	AA60	Soloff	Marquez
03/04/2004	AA60	Soloff	Pearce-Bates
03/23/2004	AA60	Soloff	Pearce-Bates
04/20/2004	AA60	Soloff	Barillaro

<u>Date</u>	<u>Part</u>	<u>Judge</u>	<u>Reporter</u>
05/24/2004	AA60	Soloff	Wesley
07/19/2004	AA60	Pickholz	Taylor
08/06/2004	AA60	Soloff	Singh
09/22/2004	AA60	Soloff	Ramdhanie
11/17/2004	AA60	Soloff	Marquez
01/11/2005	AA60	Soloff	Lemaine
01/25/2005	AA60	Soloff	Lemaine
03/22/2005	AA60	Soloff	Morgan
05/17/2005	AA60	Soloff	Lemaine
06/13/2005	AA60	Soloff	Wesley
07/11/2005	AA60	Soloff	Fleming
09/07/2005	AA60	Soloff	Barillaro
09/28/2005	AA60	Soloff	Randhanie
10/26/2005	AA60	Soloff	Lemaine
11/22/2005	AA60	Soloff	Whitaker, Benita
12/20/2005	AA60	Soloff	Rodriguez
02/06/2006	AA60	Soloff	Pearce-Bates
03/29/2006	AA60	Soloff	Morgan
05/03/2006	AA60	Soloff	Marquez
06/14/2006	AA60	Soloff	Singh
06/22/2006	AA60	Soloff	Magnicari, T.
06/27/2006	AA60	Soloff	Magnicari, T.

<u>Date</u>	<u>Part</u>	<u>Judge</u>	<u>Reporter</u>
07/12/2006	AA60	Soloff	Magnicari, T.
08/02/2006	AA60	Soloff	Lemaine, M.
08/07/2006	AA60	Soloff	Marquez
08/10/2006	AA70	Ambrecht	Corcoran
08/14/2006	AA60	Silverman	Barillaro

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 8, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Lucy Bonano, also known as Luz  
Bonano,

Petitioner-Appellant,

M-1943

-against-

Index No. 400386/07

Coalition for the Homeless, L.P.,  
et al.,

Respondents-Respondents.  
-----X

An order of this Court having been entered on April 10, 2008 (M-1344), inter alia, denying a stay of eviction with respect to the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 6, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved for reargument of so much of the aforesaid order of this Court which denied a stay of eviction,

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 May 8, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli,

-----X  
Udayan D. Ghose,  
Plaintiff-Respondent-Appellant,

-against-

**M-1828**

CNA Reinsurance Company Limited,  
now known as CX Reinsurance Company  
Limited, et al.,  
Defendants-Appellants-Respondents.

Index No. 108121/04

-----X

A decision and order of this Court having been entered on September 6, 2007 (Appeal No. 1332-34),

An order of this Court having been entered on February 7, 2008 (M-5417/M-5365/M-6272), denying plaintiff-respondent-appellant's motion for reargument of the aforesaid decision and order of this Court,

And defendants-appellants-respondents having moved for an order directing the Department of Finance of the City of New York to return defendants' funds in the amount of \$2,850,000, plus interest,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 26, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is granted and the Commissioner of Finance is directed to return said funds including accumulated interest thereon to defendants-appellants-respondents.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on May 8, 2008.

Present: Hon. David B. Saxe, Justice Presiding,  
Luis A. Gonzalez  
Eugene Nardelli  
James M. McGuire, Justices.

-----X  
Golden Gate Yacht Club,  
Plaintiff-Respondent,

-against-

**M-1965 & M-2105**  
Index No. 602446/07

Societe Nautique De Geneve,  
Defendant-Appellant,

Club Nautico Espanol De Vela,  
Intervenor-Defendant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 18, 2008 (mot. seq. no. 006),

And defendant-appellant having moved for a stay of compliance and related relief including a preference in the hearing of the aforesaid appeal (M-1965),

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal, for costs and attorney's fees, and for related relief (M-2105),

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. The cross motion is denied without prejudice to plaintiff addressing the issues in their respondent's brief.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on May 8, 2008.

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

-----X  
Ruby Emanuel, individually and as  
Administratrix of the Estate of  
James Emanuel,  
Plaintiff-Respondent,

-against-

M-1745  
Index No. 1437/06

Sheridan Transportation Corp.,  
et al.,  
Defendants,

Kenneth Heller,  
Non-Party Appellant.

-----X  
Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about January 26, 2007, March 9, 2007 and May 2, 2007, respectively,

And non-party appellant having moved for a stay of all contempt penalties and for the return of all files 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 May 8, 2008.

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

-----X  
Frank Osowski, et al.,  
Plaintiffs,

-against-

Amec Construction Management, Inc.,  
et al.,  
Defendants.

M-2178  
Index No. 107097/05

-----  
Amec Construction Management, Inc.,  
et al.,  
Third-Party Plaintiffs-Respondents,

Index No. 591047/07

-against-

DCM Erectors, Inc.,  
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant having moved for a stay of trial in the third-party action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 18, 2008 (mot. seq. no. 007),

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

Ordered that the motion is denied, and so much of the order of a Justice of this Court, dated April 25, 2008, which stayed trial in the third-party action, is hereby vacated.

E N T E R:

  
Clerk.

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

BEFORE: Hon. Jonathan Lippman  
Justice of the Appellate Division

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

M-1404  
Ind. No. 8230/99

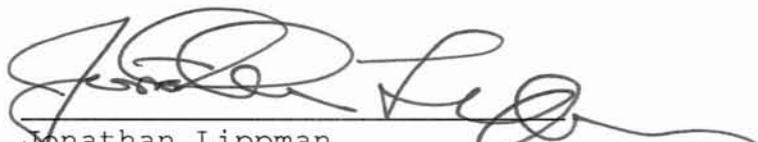
-against-

Collin Patrick,  
Defendant.

CERTIFICATE  
DENYING LEAVE

-----X

I, Jonathan Lippman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Willam Wetzal, J.), entered on or about January 24, 2008, is hereby denied.

  
Jonathan Lippman  
Presiding Justice

Dated: May <sup>1</sup>, 2008  
New York, New York

ENTERED: **MAY 08 2008**

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

Respondent,

-against-

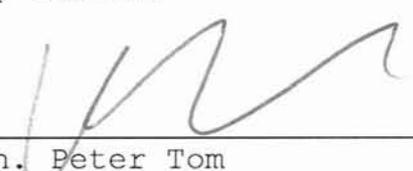
Tyrone Singleton,

Defendant.  
-----X

M-1215  
Ind. No. 5713/02

CERTIFICATE  
DENYING LEAVE

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

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: May 1, 2008  
New York, New York



MAY 08 2008

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

BEFORE: Hon. David Friedman  
Justice of the Appellate Division

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

M-1768  
Ind. No. 2425N/05

-against-

Flor Cruz,  
Defendant.

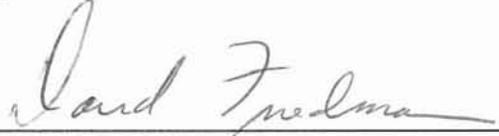
-----X

Defendant having moved pursuant to CPL 450.15 and 460.15 for a certificate granting leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about March 5, 2008,

And a decision and order of this Court having been entered on April 22, 2008 (Appeal No. 3446), unanimously reversing the judgment of the Supreme Court, New York County (William A. Wetzell, J.), rendered on October 24, 2005,

Now, upon reading and filing the papers with respect to the motion, including the correspondence of the respective parties dated April 24, 2008 and April 28, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

  
\_\_\_\_\_  
David Friedman  
Associate Justice

Dated: May 2, 2008  
New York, New York

ENTERED: MAY 08 2008

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-3530  
Ind. Nos. 330/04,  
281/04

-against-

CERTIFICATE  
DENYING LEAVE

Alan Thomas, also known as Craig Skinner,  
Defendant

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, section 460.15,  
and upon the record and proceedings herein, there is no question  
of law or fact presented which ought to be reviewed by the  
Appellate Division, First Judicial Department, and permission to  
appeal from the Order of the Supreme Court, New York County,  
entered on or about May 17, 2006, is hereby denied.

Dated: New York, New York  
April 28, 2008

Entered: MAY 08 2008

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

BEFORE: Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

M-1781  
Ind. No. 9173/90

-against-

CERTIFICATE  
DENYING LEAVE

Richard Shaw, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about February 14, 2008, is hereby denied.

Dated: New York, New York  
May 8, 2008



Entered: **MAY 08 2008**

\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division