

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 April 14, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
David Shahram Lavian, suing derivately  
on behalf of N.Y.B.K. Development, Inc.,  
Glamorous Homes, Inc., Urban Homes, Inc.,  
and Primary Residence, Inc.,  
Plaintiffs-Appellants,

M-521  
Index No. 115301/01

-against-

Soheil Darvish, Niloofar Darvish and  
Marvin Klein,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 8, 2009,

And appellant David Shahram Lavian have moved for a stay of release of escrow pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion including the correspondence of appellant David Shahram Lavian, dated February 17, 2009, and due deliberation .. having been had thereon,

It is ordered that the motion is deemed withdrawn.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 April 14, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X

Katerina Garcia-Sjorgrim and  
Fernando Garcia,  
Plaintiffs,

-against-

M-1409  
Index No. 110717/05

Port Imperial Ferry Corp., Port  
Imperial Ferry Corp., doing business  
as New York Waterway, Amtran Corp.  
and IC Corporation,  
Defendants.

-----X

Port Imperial Ferry Corp. and  
Port Imperial Ferry Corp., doing  
business as New York Waterway,  
Third-Party Plaintiffs,

-against-

Third Party  
Index No. 591188/06

Amtran Corp. and IC Corporation,,  
Third-Party Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 18, 2009 (mot. seq. no. 003),

And defendant/third-party plaintiff Port Imperial Ferry Corp. and Port Imperial Ferry Corp., doing business as New York Waterway having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the correspondence from Jason Steinberg, Esq., counsel for appellant, dated March 31, 2009 and due deliberation having been had thereon,

It is ordered that the motion 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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X

Marshall-Alan Associates Inc.,

Plaintiff-Respondent,

-against-

M-1551X

Index No. 111258/07

Little Rest Twelve, Inc., doing  
business as Buddha-Bar NYC,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 22, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 30, 2009, 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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Joseph Schaefer and Cindy Schaefer,  
Plaintiffs-Appellants,

-against-

M-1552X  
Index No. 115693/04

New York City Transit Authority,  
et al.,

Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 24, 2008 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 30, 2009, 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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Dominga Nunez,  
Plaintiff-Respondent,

-against-

M-1553X  
Index No. 113589/07

Consolidated Edison of New York,  
Defendant,

The City of New York,  
Defendant-Respondent,

New York City Transit Authority  
and Metropolitan Transportation  
Authority,  
Defendants-Appellants.

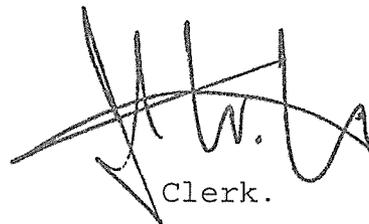
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 21, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 30, 2009, 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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
In the Matter of the Arbitration  
between

Benjamin S. DeYoung,

Petitioner-Respondent,

-against-

MDOffices.com, Inc.,

Respondent-Appellant.  
-----X

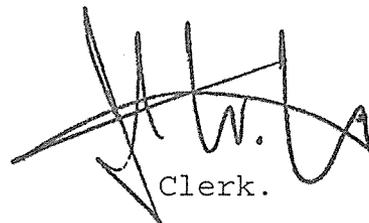
M-1554X  
Index No. 602058/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 18, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 25, 2009, 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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Eleanore Moore,  
Plaintiff-Respondent,

-against-

M-1555X  
Index No. 111504/06

New York City Transit Authority,  
Defendant-Appellant,

Metropolitan Transit Authority,  
Defendant.

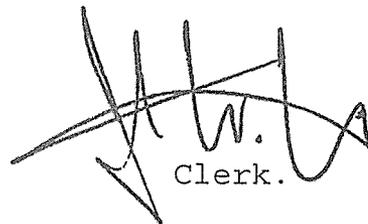
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about August 19, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 25, 2009, 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 April 14, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Richard Peltz,  
Plaintiff-Appellant,

-against-

M-1592X  
Index No. 109662/06

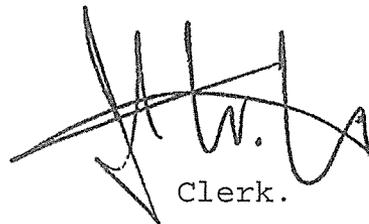
Restaurant Associates, Inc.,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 12, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 31, 2009, 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 April 14, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

Craig S.,  
Petitioner-Appellant,

M-1495  
Docket No. V8834-06/06A

-against-

Donna M. S.,  
Respondent-Respondent.

-----X

An order of this Court having been entered on October 2, 2007 (M-4407), inter alia, consolidating petitioner's appeals taken from the orders of the Family Court, Bronx County, entered on or about June 19, 2001 (V16255-98/00A) and May 10, 2007 (V8834-06/06A), respectively,

And counsel for petitioner appellant having moved for an order withdrawing the appeal taken from the order entered May 10, 2007 under Docket No. V8834-06/06A,

Now, upon reading and filing the Notice of Discontinuance, dated March 24, 2009, and due deliberation having been had thereon,

It is ordered that the appeal with respect to the order entered May 10, 2007 under Docket No. V8834-06/06A is deemed withdrawn. The discontinuance does not withdraw the appeal from the order of said Family Court entered on or about June 19, 2001 under Docket No. V16255-98/00A.

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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Georgette Baviello,

Plaintiff-Appellant,

M-1574

Index No. 24281/05

-against-

The City of New York and Nicola  
Zeolla,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 28, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed March 31, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2009 Term, 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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
3 Cottage Place LLC,

Plaintiff-Respondent,

M-1575

Index No. 118036/05

-against-

Cohen, Tauber, Spievack & Wagner, LLC,

Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 28, 2008 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed March 30, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 2009 Term, 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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
The People of the State of New York  
ex rel. Renata Hill, B&C #600-08-00726,  
NYSID #0767896M,

Petitioner-Appellant,

M-1586  
Index No. 401977/08

-against-

Warden, Rose M. Singer Center,

Respondent-Respondent.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about August 15, 2008, which denied and dismissed petitioner's habeas corpus proceeding,

Now, upon reading and filing the stipulation of the parties hereto, filed April 1, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 2009 Term, 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 April 14, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
In the Matter of the Application of  
CPS 1 Realty LP,  
Petitioner-Appellant,

-against-

M-1279  
Index No. 114766/08

R.P. Brennan General Contractors  
& Builders, Inc.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for a stay of arbitration pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about March 10, 2009 (mot. seq. nos. 001, 002 and 003),

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

It is ordered that the motion is granted on condition the appeal is perfected on or before July 13, 2009 for the September 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent serves a copy of this order upon 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 April 14, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----x  
Lyda Ravagnan,  
Plaintiff-Respondent,

-against-

One Ninety Realty Company,  
Defendant-Appellant,  
  
L'Occitane, Inc.,  
Defendant-Appellant,

M-1400  
Index No. 18430/05

-and-

Consolidated Edison Company of  
New York, Inc.,  
Defendant.

-----x

Appeals having been taken to this Court by the respective parties from the order of the Supreme Court, Bronx County, entered on or about October 2, 2008,

And defendant-appellant One Ninety Realty Company having moved for a stay of trial 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 granted, and the Clerk is directed to calendar the appeals for hearing together.

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 April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Faiz Muhammed,  
Plaintiff-Respondent,

-against-

M-1408 & M-1422  
Index No. 101072/04

Archdiocese of New York, et al.,  
Defendants,

Mainco Elevator Company,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 22, 2008,

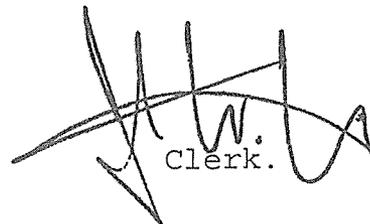
And defendant-appellant having moved for an order staying trial, pending hearing and determination of the aforesaid appeal, (M-1408),

And plaintiff-respondent having cross-moved for an order denying defendant-appellant a stay of trial (M-1422),

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 dismissed as unnecessary.

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 April 14, 2009.

Present - Hon. Luis A. Gonzalez, 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-1312  
Ind. No. 370/08

Malik Yusuf, also known as  
Yusuf M. Ashford,  
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 3, 2009, 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 April 14, 2009.

Present - Hon. Luis A. Gonzalez, 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-1313  
Ind. No. 1921/08

Eldred Leitzsey, also known as  
Eldred E. Leitzsey,  
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 February 17, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present - Hon. Luis A. Gonzalez, 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-1314  
Ind. No. 3002/08

Richard Neal,  
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 February 17, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present - Hon. Luis A. Gonzalez, 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-1319  
Ind. No. 2422/08

Leonardo Mas,  
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 4, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

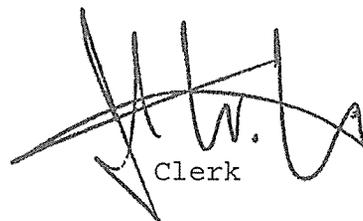
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present - Hon. Luis A. Gonzalez, 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-1323  
Ind. No. 3602/06

Kenny Alexis,  
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 10, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

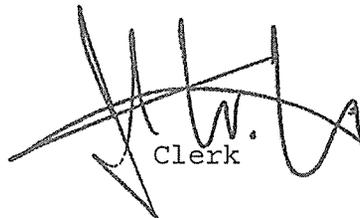
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 April 14, 2009.

Present - Hon. Luis A. Gonzalez, 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-1338  
Ind. No. 5478/02

Anthony Smith,  
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 January 21, 2009, 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.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present - Hon. Luis A. Gonzalez, 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-1339  
Ind. No. 1955/07

Hipolito Marmol,  
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 March 10, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

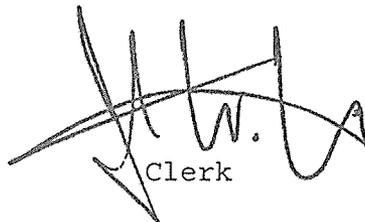
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 April 14, 2009.

Present - Hon. Luis A. Gonzalez, 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-1368  
Ind. No. 1425/07

Cecil Richardson,  
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 11, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
James M. McGuire, Justices.

-----X

Richard Rowell,  
Plaintiff-Appellant,

For a Judgment, etc.,

-against-

M-1298

Index No. 400552/08

D. Lashley and State Division of  
Human Rights,  
Defendants-Respondents.

-----X

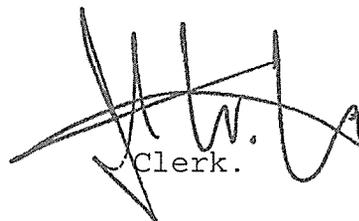
An order of this Court having been entered on March 12, 2009 (M-701), denying plaintiff's motion for poor person relief,

And plaintiff having renewed his motion for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 4, 2008,

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

It is ordered that plaintiff's motion is deemed to be a motion to reargue the order of this Court entered on March 12, 2009 (M-701) and as such the motion is denied. Sua sponte, said order of this Court entered on March 12, 2009 (M-701) is hereby corrected to reflect the date of the order and judgment (one paper) of the Supreme Court, New York County, as **August 4, 2008** instead of February 5, 2009.

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 April 14, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
In the Matter of a Proceeding  
Under Article 6 of the Family Court Act.

Nusrat C.,  
Petitioner-Respondent,

M-1236  
Docket No. V27626/06

-against-

Muhammad R.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the consolidated appeals taken from orders of the Family Court, Bronx County, entered on or about December 27, 2007 and August 8, 2008, respectively,

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 consolidated appeals to the September 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

-against- M-1215  
Ind. No. 586/07

Scott Liden,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 8, 2008 (M-1445) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 25, 2007,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present: Hon. Luis A. Gonzalez, 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-1524  
Ind. No. 4046/06

Allen Jones,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 21, 2008 (M-4510), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 19, 2007, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Gary Sunden, Esq., 350 Broadway, Suite 401, New York, New York 10013, Telephone No. 212-925-4848, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-1265

Ind. No. 4443/07

Bernard Solomon, also known as  
John Bernard,

Defendant-Appellant.  
-----X

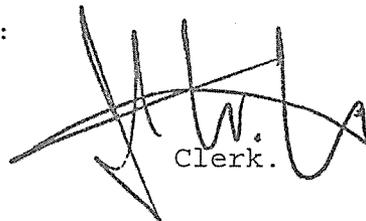
An order of this Court having been entered on November 20, 2008 (M-4975), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 29, 2008,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John T. Buckley  
Helen E. Freedman, Justices.

-----X  
In the Matter of the Application  
of the Dormitory Authority of the  
State of New York to acquire title  
in fee to certain real property  
for use in a project to expand and  
consolidate

M-1361 & M-1423  
Index No. 102934/01

John Jay College of Criminal  
Justice of the City University  
of New York,

- - - - -  
River Center LLC,  
Claimant-Appellant-Respondent,

Blackacre Bridge Capital, LLC  
and SWH Funding Corp.,  
Claimants-Appellants-Respondents,

Dormitory Authority of the State  
of New York,  
Condemnor-Respondent-Appellant.

-----X

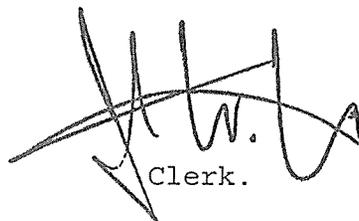
Appeals and a cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about June 5, 2008,

And claimants-appellants-respondents having moved (M-1361) and condemnor-respondent-appellant having cross-moved (M-1423) for an enlargement of time in which to perfect the appeals and cross appeal,

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties dated March 17, 2009, and due deliberation having been had thereon,

It is ordered that the motion and cross motion are granted and the time in which to perfect the appeals and cross appeal is enlarged to the December 2009 Term 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 April 14, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
John T. Buckley  
Helen E. Freedman, Justices.

-----X  
Gleam Realty, Inc.,  
Plaintiff,

-against-

M-1119  
Index No. 103261/04

Tommy's Realty, Inc.,  
Defendant-Appellant,

Eladio Rincon,  
Non-Party Appellant.

- - - - -  
Marcus & Millichap Real Estate  
Investment Brokerage Company,  
Third-Party Plaintiff,

-against-

Tommy's Realty and Gleam Realty,  
Inc.,  
Third-Party Defendants.

-----X

An order of this Court having been entered on February 3, 2009 (M-6124 & M-6140), inter alia, denying non-party Alan Mickens motion to intervene in the appeal taken by non-party appellant Eladio Rincon from the order of Supreme Court, New York County, on or about October 28, 2008,

And non-party Alan Mickens having moved for reargument of the aforesaid order of this Court (M-6140),

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 April 14, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. McGuire  
Karla Moskowitz, Justices.

-----X  
Youni Gems Corporation, et al.,  
Plaintiffs-Appellants-Respondents, M-1070  
-against- M-1195  
M-1317  
Index No. 603053/02  
Bassco Creations Incorporated,  
Efraim Basalel and Eliahu Basalel,  
all doing business as Bassco  
Creations,  
Defendants-Respondents-Appellants.  
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered May 14, 2008 (mot. seq. no. 004),

And plaintiffs having moved for dismissal of defendants' cross appeal (M-1070), and for an enlargement of time in which to perfect the direct appeal (M-1195),

And defendants having cross-moved for an enlargement of time in which to perfect the cross appeal (M-1317),

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

It is ordered that plaintiffs' motion to dismiss defendants' cross appeal (M-1070) is denied without prejudice to addressing the issue on the appeal. The time in which to perfect the appeal and cross appeal (M-1195 and M-1317) is enlarged to the September 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Cornealius Campbell,  
Plaintiff-Respondent,

-against-

M-1404  
Index No. 303309/04

Anita Brown-Campbell,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of divorce of the Supreme Court, New York County, entered on or about March 20, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2009 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

PRESENT - Hon: Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
David Arthur Oesterheld as Administrator  
of the Estate of Susan Bergholtz,  
Deceased.

Petitioner-Appellant,

-against-

M-1289  
Index No. 103728/05

For the dissolution of  
Shepard & Bergholtz  
Physical Therapists, P.C.,

Pursuant to Section 1104(a) of the  
New York Business Corporation Law

Eileen Shepard,  
Respondent-Respondent.

-----X  
Petitioner-appellant, in connection with an appeal from the order of the Supreme Court, New York County, entered on or about July 9, 2008 (mot. seq. no. 003), having moved this Court for an order of substitution and for amendment of the caption in the above action,

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 caption is amended, as indicated.

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 April 14, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Jorge Nieves and Rosa Nieves,  
Plaintiffs-Respondents,

-against-

Riverbay Corporation,  
Defendant-Appellant,

M-1116  
Index No. 24204/04

-and-

Aikler Asphalt Paving, Inc.,  
Defendant.

-----X

Plaintiffs-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 18, 2008,

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

It is ordered that the motion is granted to the extent of 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 April 14, 2009.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
Gladys Boston, et al.,  
Plaintiffs-Respondents,

-against-

Clyde Weissbart, M.D., et al.,  
Defendants,

M-1199  
Index No. 24491/01

-and-

The Jack D. Weiler Hospital of the  
Albert Einstein College of Medicine,  
etc., et al.,  
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about December 26, 2007, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial herein 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.

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 April 14, 2009.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
Reinaldo Lopez, Sr.,

Plaintiff-Respondent,

-against-

M-1359  
Index No. 22023/06

American United Transportation, Inc.,  
et al.,

Defendants-Appellants.  
-----x

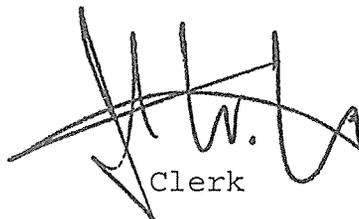
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 6, 2009, and said appeal having been perfected,

And defendants-appellants having moved, pursuant to CPLR 5519(c), for a stay of trial herein 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.

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 April 14, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Andrew Arnold,  
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-1237  
Index No. 260282/08

The New York State Division of Human Rights, et al.,  
Defendants-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about January 6, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondents and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and 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 April 14, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X

Maria Deleon,

Plaintiff-Appellant,

-against-

M-1460

Index No. 8793/04

New York City Housing Authority,

Defendant-Respondent.

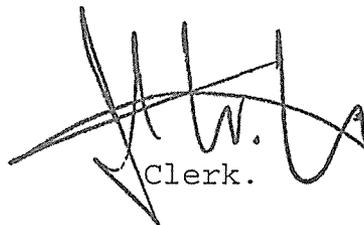
-----X

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 November 28, 2007, or for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2009.

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

-----X  
Job M. Spetter,  
Plaintiff-Respondent,

-against-

M-994  
Index No. 49680/02

Alliance Towing Corp., et al.,  
Defendants-Appellants,

John Doe No. 1,  
Defendant.

-----X

Defendants-appellants 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 January 6, 2009 (Appeal No. 4960),

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.

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

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

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

M-1180  
Ind. No. 70/06

-against-

**CERTIFICATE  
GRANTING LEAVE**

**Benito Acevedo,**  
Defendant-Appellant.

-----X

I, Luis A. Gonzalez, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about February 26, 2009.

Dated: *April 7th*, 2009  
New York, New York

  
\_\_\_\_\_  
Hon. Luis A. Gonzalez  
Presiding Justice

ENTERED: April 14, 2009

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

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

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

-----x

The People of the State of New York,

M-1512

Respondent,

Ind. No. 6876/06

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Raheem Mayo,

Defendant-Appellant.

-----x

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

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



Justice of the Appellate Division

Dated: April 7, 2009  
New York, New York

ENTERED: April 14, 2009

\*Description of Order:

Supreme Court, New York County, entered on April 19, 2007.  
App. Div., First Dept., Appeal No. 4818, Revd on February 19,  
2009.

---

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

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division  
-----X

The People of the State of New York,

-against-

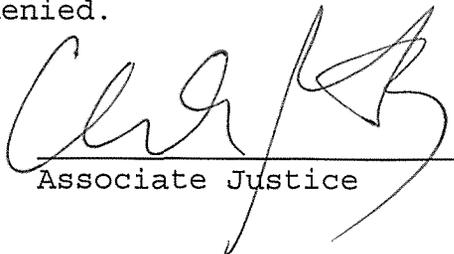
Anthony Peterson,

Defendant.  
-----X

M-388  
Ind. No. 5059/1984

ORDER DENYING LEAVE  
UPON REARGUMENT

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for reargument of the order of this Court (M-2914), entered on or about December 16, 2008, that denied his motion for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about May 1, 2008, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: April 7, 2009  
New York, New York

ENTERED: April 14, 2009

# PM ORDERS

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 April 14, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Travelers Casualty and Surety Company,  
Plaintiff-Appellant,

-against-

M-1450  
Index No. 107138/06

Honeywell International Inc.,  
Defendant-Respondent,

-and-

American Re-Insurance Company, et al.,  
Defendants,

Employers Insurance Company of Wausau,  
et al.,  
Defendants-Appellants.

-----X  
Defendant-respondent Honeywell International Inc., in connection with the appeal(s) taken from the order of the Supreme Court, New York County, entered on or about April 1, 2008, having moved for leave to supplement the record on appeal to include the memorandum of law submitted to Supreme Court by defendant-appellant Hartford Accident and Indemnity Company in opposition to movant's motion for summary judgment, a copy of which is annexed to the moving papers,

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 defendant-respondent is directed to immediately file 10 copies of said memorandum of law with the Clerk.

E N T E R:

  
Clerk.