

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 21, 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-1620  
Ind. No. 5785/06

Kenneth Roebuck,  
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, filed April 7, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 21, 2009.

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

-----X  
Patricia Clemons,  
Plaintiff-Respondent,

-against-

M-1638X  
Index No. 110532/07

City of New York,  
Defendant,

-and-

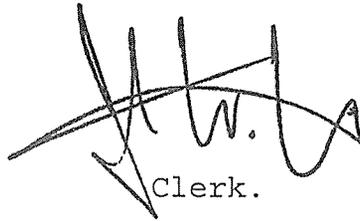
New York City Transit Authority,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 16, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 2, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 21, 2009.

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

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

-against-

M-1348  
Ind. No. 5437/07

Maria Arnjas,  
Defendant-Appellant.

-----X

Defendant having moved for an extension 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 2, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

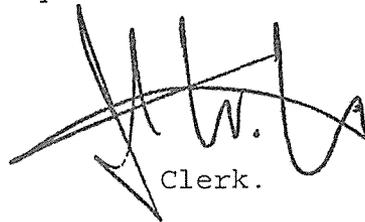
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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.

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 21, 2009.

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

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

-against-

M-1356  
Ind. No. 6768/02

Salvador Agustin, also known as  
Salvador Agustine,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

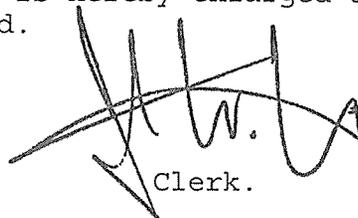
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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.

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 21, 2009.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1327  
Ind. No. 3169/08

Luis Almonte,

Defendant-Appellant.

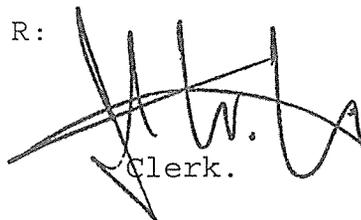
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 25, 2009, 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 petitioner-appellant's submission of a detailed notarized affidavit, setting forth his indigency in compliance with CPLR 1101(a), including the sources of funds used to post the \$3,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 21, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick, Justices.

-----X  
116 Madison Street, LLC,  
Petitioner-Landlord-Respondent,

-against-

Philip Seid,  
Respondent-Tenant-Appellant,

-and-

M-1165  
Index No. 570161/08

Henry Seid doing business as Chinatown  
Ice Cream Factory,  
Respondent-Tenant,

-and-

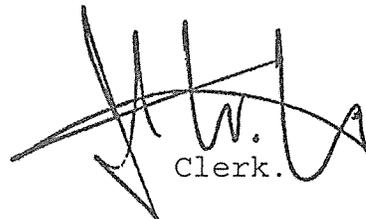
Lychee Ice Cream Factory, Inc.,  
Respondent-Undertenant-Appellant.

-----X  
Petitioner 116 Madison Street, LLC, having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 21, 2008,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X

Vanessa C. David,  
Petitioner-Appellant,

-against-

M-1102

Index No. 112791/05

New York City Commission on  
Human Rights, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 30, 2008 (Appeal No. 4912),

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

Ordered that the motion is denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X

Jeffrey Ritzer,  
Plaintiff-Appellant,

-against-

M-533  
Index No. 112308/05

6 East 43rd Street Corp., et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of the decision and order of this Court entered on December 30, 2008 (Appeal No. 4922),

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

It is ordered that the motion is denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

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

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

-against-

M-1351  
Ind. No. 566/08

Killian Real-Mohr,  
Defendant-Appellant.  
-----X

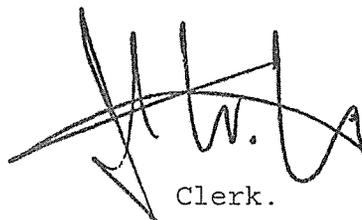
Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 10, 2009, for leave to prosecute the appeal as a poor person, upon the original record and a reproduced appellant's brief, and for 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 only to the extent of deeming the notice of appeal 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(a), setting forth particulars with respect to his present employment, the amount and sources of funds to pay trial counsel's fee, and to post the \$5,000 bail in the Supreme Court, and the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

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

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

-against-

M-1346  
Ind. No. 7034/04

Joselin Perez, also known as  
Joselyn Perez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 22, 2009 (M-5828), inter alia, granting defendant leave to file a pro se supplemental brief from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2005, limited only to material that is part of the record or has already been provided to defendant's counsel at trial,

And defendant having moved for an enlargement of time in which to file his pro se supplemental 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 enlarging appellant's time in which to serve and file his pro se supplemental brief to on or before July 13, 2009 for the September 2009 Term, to which Term the appeal is adjourned, with no further enlargements to be granted. The appeal will not be heard unless and until all material furnished to appellant has been returned. The motion is otherwise denied. (See M-5828 entered January 22, 2009).

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 21, 2009.

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

-----X  
Daniel J. Busa, et al.,  
Plaintiffs-Respondents,

-against-

Costco Wholesale Corporation,  
etc., et al.,  
Defendants,

M-1221  
Index No. 117073/05

General Snow Service, Inc.,  
etc.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 14, 2008 (mot. seq. nos. 001 and 002),

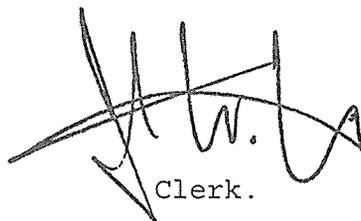
And an order of this Court having been entered on October 14, 2008 (M-4067/M-4355), inter alia remanding aspects of the matter to the Referee's Office of the New York County Supreme Court for a traverse hearing, and granting defendant-appellant a stay of trial,

And defendant-appellant General Snow Service, Inc., having moved for an enlargement of time in which to perfect the aforesaid appeal,

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 granted to the extent of enlarging the time in which to perfect the appeal to the September 2009 Term with leave to seek a further enlargement if necessary. The stay of trail granted by the order of this Court entered on October 14, 2008 (M-4067/M-4355) is continued.

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 21, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John T. Buckley  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Devon G.,

A Person Alleged to Be a Juvenile Delinquent,  
Respondent-Appellant.

M-1197  
Docket No. D13431/08

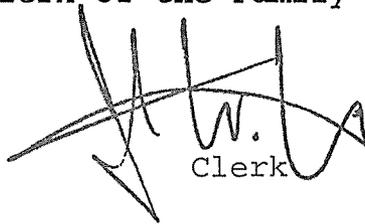
-----X

Respondent-appellant having moved for leave to prosecute the appeal from the order of the Family Court, New York County, entered on or about February 24, 2009, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Frederic Schneider, Esq., Gilman & Schneider, 40 Wall Street, 28<sup>th</sup> Floor, New York, NY 10005, Telephone No. 646-512-5730, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;<sup>1</sup> **within 60 days of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect the appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
Clerk

---

<sup>1</sup>Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

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 21, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
John T. Buckley  
Leland G. DeGrasse, Justices.

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

-----  
Eva A. P., M-1366  
Petitioner, Docket No. O-27120/07  
-against-

Victor M. P.,  
Respondent.  
-----X

A purported appeal having been taken from the order of the Family Court, Bronx County, entered on or about September 29, 2008,

And respondent Victor M. P. having renewed his motion for leave to prosecute the purported appeal as a poor person,

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

Ordered that the motion is denied, with leave to renew upon defendant's compliance with the conditions set forth in the prior order of this Court entered on February 26, 2009 (M-364), specifically a copy of the order from which respondent purports to appeal.

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 21, 2009.

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

-----X  
Devonshire Surgical Facility and  
Carnegie Hill Orthopedic Services  
as assignee of Jose Germosen,  
Plaintiffs-Respondents,

-against-  
Nationwide Insurance Company,  
Defendant-Appellant.

M-91  
Index No. 570389/07

-----X  
Devonshire Surgical Facility and  
Carnegie Hill Orthopedic Services, P.C.,  
as assignee of Jonathan Romero,  
Plaintiffs-Respondents,

-against-  
Nationwide Insurance Company,  
Defendant-Appellant.

M-92  
Index No. 570360/07

-----X

Defendant Nationwide Insurance Company having moved separately for leave to appeal to this Court from the decisions and orders of the Appellate Term in the above captioned actions entered in the office of the Clerk of the Supreme Court, New York County, on or about October 9, 2008, and for related relief,

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

It is ordered that the motions are 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 21, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John T. Buckley  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Christy C., Jaleek T. and Shalick T.,

Dependent Children Under 18 Years  
of Age Alleged to be Abused and/or  
Neglected Pursuant to Article 10  
of the Family Court Act.

M-1114  
Docket Nos. NN26073/07  
NN26074/07  
NN26075/07

-----  
The Administration for Children's  
Services,  
Petitioner-Respondent,

Jeffrey C.,  
Respondent-Appellant.

-----  
Melinda Oliver, Esq.,  
Law Guardian for the Children.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about November 19, 2008, for assignment of counsel, a free copy of the transcript, and 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 subsequent to the entry of an order of disposition and an appeal therefrom.

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 21, 2009.

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

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

-against-

M-56  
Ind. No. 1990/06

Jose Antonio Rodriguez,  
Defendant-Appellant.

-----X

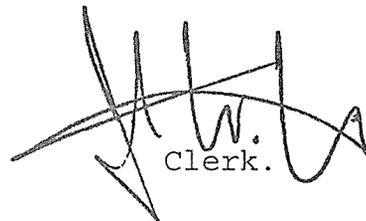
A decision and order of this Court having been entered on June 12, 2008 (Appeal No. 3912), unanimously affirming the judgment of the Supreme Court, New York County, Carol Berkman, J., at suppression hearing; Edward J. McLaughlin, J., at jury trial and sentence, rendered on December 13, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, 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 said application 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 April 21, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
John T. Buckley  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-706

Case No. 38583C/05

Randy Tillman,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 7, 2008 (Appeal Nos. 4190-4191), unanimously affirming the judgment of the Supreme Court, Bronx County (Michael Gross, J.), rendered on November 13, 2006, as amended on December 1, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 April 21, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----x  
In the Matter of the Application of  
Robert Doar, as the Commissioner of  
Social Services of the City of  
New York,  
Petitioner-Respondent,

For the Appointment of a Guardian of  
the Personal Needs and Property  
Management of:

M-839  
Index No. 402111/08

Barbara L.,

A Person Alleged to be Incapacitated,  
Respondent-Appellant.

-----x  
Respondent-appellant having moved leave to file a late notice of appeal, to prosecute said appeal as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 20, 2008, and for the assignment of counsel,

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 moving papers a timely filed notice of appeal, and assigning, pursuant to Mental Hygiene Law § 81.10, Andrea Risoli, Esq., 484 White Plains Road, Eastchester, New York 10709, Telephone No. (914) 793-9241, as counsel to prosecute the appeal. Appellant is permitted to prosecute the appeal on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon petitioners, one copy of such brief upon the Mental Hygiene Legal Services and file 10 reproduced 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 21, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
WSC 72nd Owners LLC,  
Petitioner-Landlord-Appellant,

-against-

M-1075  
Index No. 570353/07

Carol Bondy,  
Respondent-Tenant-Respondent.  
-----X

Petitioner having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 23, 2008,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
David Friedman  
John T. Buckley, Justices.

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

-against-

M-4821  
Ind. No. 4258/02

William Reyes,  
Defendant-Appellant.

-----X

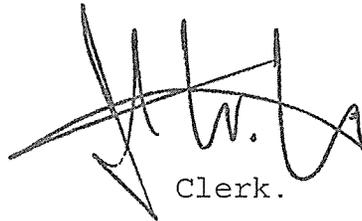
A decision and order of this Court having been entered on April 19, 2005 (Appeal No. 5885), unanimously affirming the judgment of the Supreme Court, New York County (Bernard J. Fried, J.), rendered on July 11, 2003,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 April 21, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----x

Mushlam, Inc.,  
Plaintiff-Landlord-Respondent,

-against-

Marie Nazor and Peter Mickle  
544 West 27<sup>th</sup> Street  
Entire 4<sup>th</sup> Floor  
New York, New York 10001,  
Defendants-Undertenants-Appellants.

M-1004A  
M-1008XA  
Index No. 100207/08

-----x

Defendants-undertenants-appellants having filed a notice of appeal dated June 2, 2008 from the order of the Supreme Court, New York County, dated April 3, 2008 and entered on April 7, 2008; an amended notice of appeal dated June 3, 2008 from the order of said Court dated April 3, 2008 and entered on April 7, 2008, and; a notice of appeal dated June 4, 2008 from the order of said Court dated May 29, 2008 and entered on June 3, 2008,

And defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken by the amended notice of appeal dated June 3, 2008 from the order of Supreme Court, New York County, dated April 3, 2008 and entered April 7, 2008, and by the notice of appeal dated June 4, 2008 from the order of said Court dated May 29, 2008 and entered on June 3, 2008 (M-1004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto "so ordered" February 25, 2009 (M-1008X),

And upon reading and filing the papers with respect to the motion for an enlargement of time in which to perfect (M-1004), and due deliberation having been had thereon,

It is ordered that the appeal taken by the notice of appeal dated June 2, 2008 is deemed withdrawn in accordance with the aforesaid stipulation (M-1008X) and it is further

Ordered that the time in which to perfect the appeals taken by the notices of appeal dated June 3, 2008 and June 4, 2008 is enlarged to the September 2009 Term. The order of this Court entered on March 31, 2009 (M-1004/M-1008X) is herewith recalled and vacated.

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 21, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John T. Buckley  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
In re William Kyle, et al.,  
Petitioners-Appellants,

-against-

M-906  
Index No. 110838/07

Hon. Gerald Lebovits, etc.,  
Respondent-Respondent,

736 Riverside Dr., LLC,  
Respondent.

-----X

Petitioners-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 20, 2009 (Appeal No. 5062 [M-6033]),

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

Ordered that the motion is denied.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Karla Moskowitz, Justices.

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

-against-

M-892  
Ind. No. 8019/95

Victor Mance,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 6, 2000 (Appeal No. 1345), unanimously affirming the judgment of the Supreme Court, Bronx County (Edward Davidowitz, J.), rendered on August 28, 1997,

And an order of this Court having been entered on January 13, 2009 (M-3283), denying defendant's motion, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

And defendant having moved for reargument of the aforesaid order 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 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 21, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Michael F. Vukovich,  
Plaintiff-Respondent-Appellant,

-against-

1345 Fee, LLC, et al.,  
Defendants,

M-610  
M-791  
Index No. 115989/05

Plaza Construction Corp.,  
Defendant-Appellant-Respondent,

-and-

ADCO Electrical Corp.,  
Defendant-Respondent.

-----X

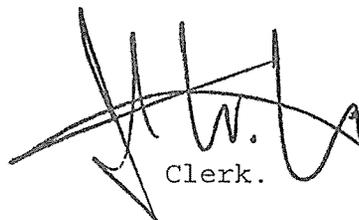
Defendant-respondent ADCO Electrical Corp. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 6, 2009 (Appeal No. 4982), and for other relief [M-610],

And defendant-appellant-respondent Plaza Construction Corp. having cross-moved for reargument of or leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court [M-791],

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 by defendant-respondent ADCO Electrical Corp., to the extent it seeks reargument is granted and, upon reargument, the decision and order of this Court entered on January 6, 2009 (Appeal No. 4982) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 4982, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals and other relief, and the cross motion by defendant-appellant-respondent Plaza Construction Corp. are 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 21, 2009.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Kazmir K. (DOB: 11/14/93),

A Child Under the Age of 18 Years  
Alleged to Be Neglected Pursuant to  
Article 10 of the Family Court Act.

-----  
Commissioner of Social Services  
of the City of New York,  
Petitioner-Respondent,

M-1441  
Docket No. NN-11508/07

-against-

Marcus K.,  
Respondent-Appellant.

-----  
Steven Banks, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Law Guardian for the Child.

-----X  
An appeal having been taken by respondent-appellant father Marcus K. from the order of the Family Court, New York County, entered on or about February 21, 2008,

And Law Guardian for the subject child Kazmir K. having moved for an enlargement of the record on appeal to include certain materials annexed as Exhibits A-C to the affirmation of Judith Stern, dated March 24, 2009, and related relief,

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

It is ordered, sua sponte, that the appeal is adjourned to the June 2009 Term. The motion is granted to the extent of permitting the law guardian to file a supplemental record that

includes the documents annexed to the moving papers, without prejudice to petitioner Administration for Children's Services advancing in a supplemental respondent's brief filed on or before May 1, 2009, the arguments advanced in the affirmation in opposition of Elizabeth I. Freedman, dated April 6, 2009. Appellant's reply brief, if any, is to be served and filed on or before May 11, 2009. The Clerk is directed to calendar the appeal for hearing during the second week of the June 2009 Term.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

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

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

-against-

M-1233  
Ind. No. 2773/05

Enrique Rincon,  
Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 27, 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 and the appeal is dismissed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

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

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

-against-

M-1159  
Index No. 3580/07

Robert Johnson,  
Defendant-Appellant.

-----X

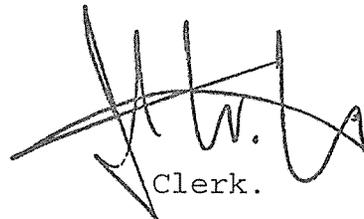
An order of this Court having been entered on October 2, 2008 (M-4204), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 21, 2008,

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, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Rm. 1701, New York, NY 10003, Telephone No. 212-790-0368, 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 21, 2009.

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

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

-against-

M-1179  
Ind. No. 3431/05

Pedro Richiez,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 9, 2006,

And by affirmation dated March 6, 2009, K. Steven Zimmerman, Esq., retained counsel for appellant, having moved this Court for an order relieving Steven Banks, Esq., Legal Aid Society, and substituting 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 denied, the appeal having been heard on February 10, 2009 and the judgment affirmed by decision and order of this Court entered on March 3, 2009 (Appeal No. 5421).

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 21, 2009.

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

-----x  
Leighton Spaulding,  
Claimant-Appellant,

-against-

Court of Claims  
M-1301

The State of New York,  
Defendant-Respondent.

-----x

Claimant having moved for leave to prosecute, as a poor person, the appeal from the order of the Court of Claims of the State of New York, entered on or about December 3, 2008 (Court of Claims Motion No. M-75252), for leave to have the appeal heard on 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 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 April 21, 2009.

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

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

-against-

M-1304  
Ind. No. 859/07

Andre Stokes,  
Defendant-Appellant.

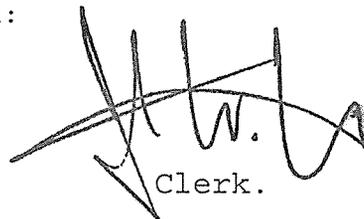
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about August 4, 2008, for a copy of the trial transcripts and for an enlargement of time in which to file said 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 only to the extent of deeming the moving papers a timely filed pro se supplemental brief on appeal for the October 2009 Term to which Term the aforesaid appeal is adjourned.

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 21, 2009.

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

-----X  
Richard Djeddah,  
Plaintiff-Respondent,

-against-

M-1267  
M-1523  
Index No. 350094/00

Rachel Djeddah,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of divorce of the Supreme Court, New York County, entered on or about March 21, 2008,

And plaintiff-respondent having cross-moved to terminate further mediation,

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 granted to the extent of enlarging the time in which to perfect the appeal to on or before July 13, 2009 for the September 2009 Term, with no further enlargements to be granted. The cross 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 21, 2009.

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

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

-against-  
  
William McCaffrey,  
  
Defendant-Appellant.

M-1476  
Ind. No. 5086/05

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 20, 2006,

And counsel for defendant-appellant having moved for an order holding the aforesaid appeal in abeyance pending the determination of a CPLR 440.10 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 appeal to on or before July 13, 2009 for the September 2009 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Michael Driscoll,  
Plaintiff-Appellant,

-against-

M-999  
Index No. 105310/08

Neyda Delarosa,  
Defendant,

New York State Attorney General  
Litigation Unit,  
Defendant-Respondent.

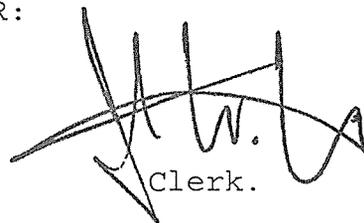
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 16, 2008 (Appeal No. 4829),

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

Ordered that the motion is denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
In re Aisha C.,

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

M-1217  
Docket No. B27253/05

Eleanor C.,  
Respondent-Appellant.

Leake & Watts Services, Inc.,  
Petitioner-Respondent.

-----X

Respondent-appellant having moved for reargument of the decision and order of this Court entered on January 13, 2009 (Appeal No. 5016),

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

It is ordered that the motion is denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

Present - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
Doris Diaz,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-1415  
Index No. 400964/08

-against-

Tino Hernandez, as Chairman of the  
New York City Housing Authority,  
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 November 17, 2008,

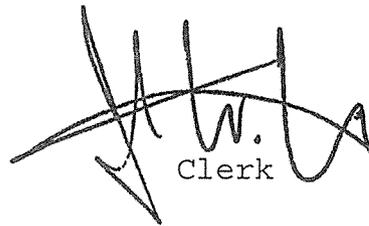
And petitioner having moved for an enlargement of time to perfect the proceeding, for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for a stay of eviction pending hearing and determination of the proceeding,

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

Ordered that the time in which to perfect the proceeding is enlarged to on or before July 13, 2009 for the September 2009 Term, with no further enlargements to be granted. The stay granted by the order of a Justice of this Court, dated February 3, 2009, is continued on condition the appeal is so perfected. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent serves a copy of this order upon petitioner within 10 days of 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 in the County of New York on April 21, 2009.

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

-----X  
Donnell Holliman,  
Plaintiff-Respondent,

-against-

M-1278  
Index No. 103820/07

New York City Housing Authority  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 29, 2009 (mot. seq. no. 002),

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 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

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 21, 2009.

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

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

Respondent,

-against-

M-1432  
Ind. No. 3806/04

Kenneth Lewis,

Defendant-Appellant.  
-----X

An order of this Court having been entered on November 25, 2008 (M-4944), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 27, 2006,

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 13, 2009 for the September 2009 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 April 21, 2009.

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

-----X  
In the Matter of

Davion A., Eiosha D., Jani A., Latear A.,  
Marcel A. and Nasir A.,

M-1419  
Docket Nos.  
NN-01384-9/07

Dependent Children Under 18 Years  
of Age Alleged to be Abused and/or  
Neglected Pursuant to Article 10 of  
the Family Court Act.

-----  
Administration for Children's Services,  
Petitioner-Respondent,

Marcel A.,  
Respondent-Appellant.

-----  
Steven Banks, Esq.,  
Law Guardian for the Children.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about June 24, 2008,

And respondent-appellant father having moved for an order to compel the Clerk of the Family Court, New York County, to transcribe the minutes of proceedings held on January 30, 2007, March 19, 2007 and April 30, 2007, 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 directing the Clerk of the Family Court, New York County, to have transcribed the minutes as enumerated above, 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 for respondent-appellant is directed to serve upon the Clerk and the individual court reporter(s) within 10 days from the date of entry hereof. Should the minutes not exist or be unavailable the Clerk shall provide a statement to such effect. Sua sponte, the time in which to perfect said appeal 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 21, 2009.

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

-----X  
Gettinger Associates, also known as  
Gettinger Associates, L.P.,  
Plaintiff-Respondent,

-against-

M-1401  
Index No. 115645/06

One Move Upward, Inc., et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 4, 2008 (mot. seq. no. 001),

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 appellants' 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 21, 2009.

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

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

Respondent,

-against-

M-1430  
Ind. No. 5996/02

Dan Landy,

Defendant-Appellant.  
-----X

An order of this Court having been entered on August 26, 2008 (M-3654), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the consolidated appeals from the judgment of the Supreme Court, New York County, rendered on or about October 23, 2003, and from the order of said Court entered on or about April 16, 2004, respectively,

And defendant having moved for an extension of time in which to file the pro se supplemental brief, and for an additional copy of the transcripts of the proceedings below previously transmitted to him, 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 directing the Clerk to supply defendant with an additional copy of the transcripts of the proceedings below, if available, and directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 13, 2009 for the September 2009 Term, to which Term the appeal is adjourned, with no further enlargements to be granted. The appeal will not be heard unless and until all materials furnished to appellant have 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 April 21, 2009.

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

-----X  
Shannon Smith, individually, and  
as Parent and Natural Guardian of  
Mikailah Barnett, an infant, and  
Isianay Barnett, an infant,  
Plaintiffs-Respondents,

-against-

M-1297  
Index No. 18673/04

City of New York, P.O. Smith,  
individually, and P.O. Smith,  
in his official capacity as a  
New York City Police Officer,  
Defendants-Appellants.

-----X

Defendants having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about January 8, 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 on or before July 13, 2009 for the September 2009 Term, with no further enlargements to be granted.

E N T E R :

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-1385  
Ind. No. 6085/01

Thomas Johnson,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about October 31, 2008,

And the People having moved for dismissal 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 and the appeal is dismissed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Lisa Best,  
Plaintiff,

-against-

M-1316  
Index No. 16191/07

Tishman Construction Corporation  
of New York and Ethical Culture  
Fieldston School,  
Defendants.

-----X  
Tishman Construction Corporation  
of New York and Ethical Culture  
Fieldston School,  
Third-Party Plaintiffs-Respondents,

-against-

Index No. 86121/07

Solar Electric Systems, Inc.,  
Third-Party Defendant-Appellant,

West-Fair Electrical,  
Third-Party Defendant.

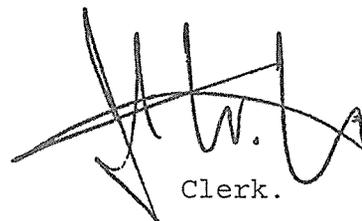
-----X

Third-party defendant-appellant, Solar Electric Systems, Inc., 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 May 23, 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 October 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 21, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Rosalee DeJesus, an Infant by  
her Mother and Natural Guardian,  
Emilia DeJesus, and Emilia DeJesus,  
Individually,  
Plaintiffs-Respondents,

-against-

M-1270  
Index No. 112753/00

191<sup>st</sup> Street Associates, LLP and  
Nydia DiMartini,  
Defendants-Appellants.

- - - - -  
(And other actions)

-----X  
Defendants/third-party and second third-party-plaintiffs/  
appellants, 191<sup>st</sup> Street Associates, LLP and Nydia DiMartini,  
having moved for an enlargement of time in which to perfect the  
appeal from the order of the Supreme Court, New York County,  
entered on or about June 27, 2007 (mot. seq. no. 003),

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

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

ENTER:

  
Clerk.



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,

M-183  
Ind. No. 10809/94

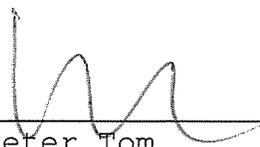
-against-

CERTIFICATE  
DENYING LEAVE

Carmelo Monserate,

Defendant.  
-----X

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, New York County, entered on or about December 5, 2008 is hereby denied.

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

Dated: April 9, 2009  
New York, New York

**ENTERED** APR 21 2009

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,

M-427

Case No. 65925C/06

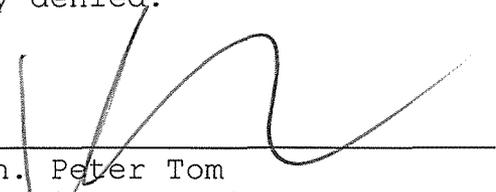
-against-

CERTIFICATE  
DENYING LEAVE

Carl Wells,

Defendant.  
-----X

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 December 9, 2008 is hereby denied.

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

Dated: April 14, 2009  
New York, New York

Entered: April 21, 2009

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-1187  
Ind. No. 4854/03

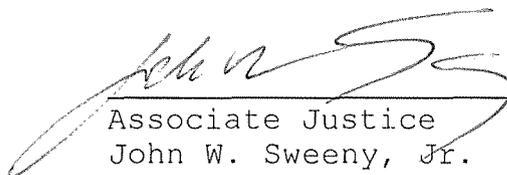
-against-

CERTIFICATE  
DENYING LEAVE

Steven Mears,  
Defendant.

-----X

I, John W. Sweeny, Jr., 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 (Edward J. McLaughlin, J.), entered on or about February 10, 2009, is hereby denied.

  
Associate Justice  
John W. Sweeny, Jr.

Dated: April 15, 2009  
New York, New York

ENTERED: April 21, 2009

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-1208  
Ind. No. 36/68

-against-

CERTIFICATE  
DENYING LEAVE

Winston Holmes, 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 January 28, 2009, is hereby denied.

Dated: New York, New York  
April 15, 2009

Entered : April 21, 2009

115

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