

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 December 8, 2009.

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

-----X
Second Saint Matthew Baptist Church,
Plaintiff-Respondent,

-against-

M-5282X
Index No. 124204/01

Faye Robinson-Traore, also known as
Faye M. Robinson, et al.,
Defendants,

Homeside Lending, Inc. and Federal
National Mortgage Association,
Defendants-Appellants.

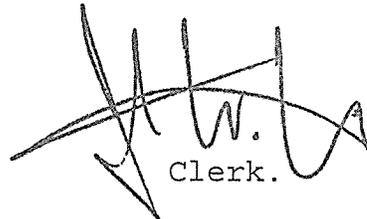
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 27, 2009 (mot. seq. nos. 005, 006 and 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 17, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 8, 2009.

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

-----X
Zone One New York, Inc.,
Plaintiff-Respondent,

-against-

M-5283X
Index No. 603180/04

Murad Ali, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 12, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 17, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 8, 2009.

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

-----X
Edward Bodtman,
Plaintiff-Respondent,

-against-

M-5284X
Index No. 113921/08

Living Manor Love, Inc., et al.,
Defendants-Appellants,

Motel Management Corp., doing
business as Willowemoc Motel,
Defendant.

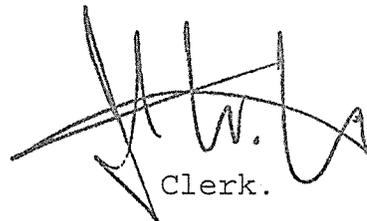
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 14, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 17, 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 December 8, 2009.

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

-----X
Rosy Kessler,
Plaintiff-Respondent,

-against-

M-5303X
Index No. 101509/06

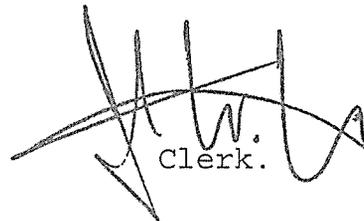
215 East 68th Street, L.P.
and Rudin Management Co., Inc.,
Defendants-Appellants.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about July 6, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 18, 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 December 8, 2009.

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

-----X
Nathan Gwynn,
Plaintiff-Appellant,

-against-

M-5300
Index No. 18619/04

Victor Soriano, Hector F. Mota,
Felix Tejada, Dennis Sullivan
and Timothy Sullivan,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 22, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated November 18, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2010 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 December 8, 2009.

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

-----X
Art Capital Group, LLC, et al.,
Plaintiffs-Appellants,

-against-

M-5280X
Index No. 601136/09

Getty Images, Inc., et al.,
Defendants-Respondents.
-----X

An appeal and cross having been taken from an order of the Supreme Court, New York County, entered on or about August 3, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 17, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 8, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-4914
Ind. No. 3858/08

Mustafa Fagan,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 20, 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 granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files ten reproduced copies of such brief, together with the original record, with this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 8, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

Respondent,

-against-

M-4911
Ind. No. 6399/07

Christopher Clark, also known as
Angel Cruz,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 20, 2008,

And an order of this Court having been entered on September 2, 2008 (M-3412), denying defendant poor person relief and the assignment of counsel,

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

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

It is ordered that the motion is denied, with leave to renew upon compliance with the prior order of this Court entered on September 2, 2008 (M-3412), a copy of which is annexed hereto.

Enter:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 8, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
In the Matter of

Jacelyn S. and Jonathan R.,

M-4415

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

Docket Nos. NN6863/08
NN6864/08

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

Michelle S.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 6, 2009, and 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516)-921-8800, 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 City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) 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 December 8, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
Veronica Lopez,
Plaintiff-Respondent,

-against-

724 Management LLC,
Defendant-Appellant.

M-4917
Index No. 8523/06

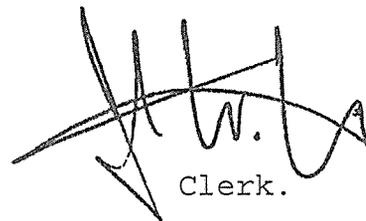
-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 13, 2009, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 8, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
Jean Graham-Jones and Brian Graham-
Jones,
Plaintiffs-Appellants,

-against-

M-5020
Index No. 103156/07

170 East 92nd Street Owners Corp.,
CFA Management and Carole Ferrara,
Defendants-Respondents.

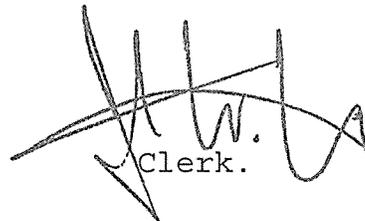
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, New York County, entered on or about February 9, 2009 (mot. seq. no. 004),

Now, upon reading and filing the papers with respect to the motion and the correspondence from Lee M. Nigen and Associates, P.C. dated November 10, 2009, counsel for appellants, 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 December 8, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
Hilda K. Broady,
Claimant-Appellant,

-against-

New York State Education Department,
Defendant-Respondent.
-----X

Court of Claims
M-5163
Claim No. 115022

Claimant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Court of Claims, State of New York, entered on or about January 29, 2009,

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 January 4, 2010 for the March 2010 Term, with no further enlargements to be 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 December 8, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Nelson S. Roman, Justices.

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

-against-

M-4630
Ind. No. 2811/08

Warren Temple,
Defendant-Appellant.

-----X

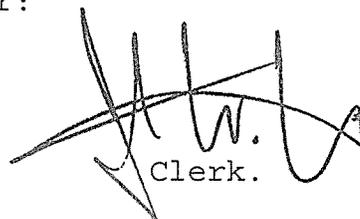
An order of this Court having been entered on March 10, 2009 (M-763) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 19, 2008,

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 December 8, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. McGuire
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-5125
Ind. No. 3998/06

Benjamin Santiago,

Defendant-Appellant.
-----X

An order of this Court having been entered on August 12, 2008 (M-3373), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 26, 2007,

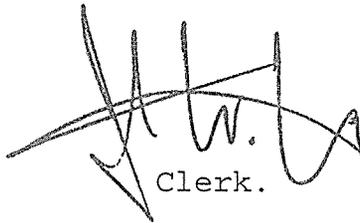
And orders of this Court having been entered on December 9, 2008 (M-5231) and March 3, 2009 (M-551), respectively, extending defendant-appellant's time in which to file the aforesaid pro se supplemental brief,

And defendant having moved for a further 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 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 December 8, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Jeremy R., Docket Nos. NN25893/06
Katelyn R. NN25894/06
and Ransis P., NN25895/06

Dependent Children under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act. **M-4309**

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

Maria P.,
Respondent-Appellant.
- - - - -

Thomas Caruso, Esq.,
Law Guardian for the Children
Katelyn R. and Ransis P.,

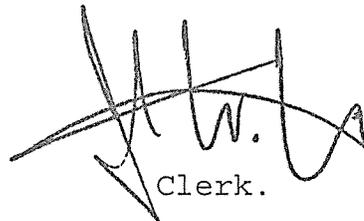
Ronald Fisher, Esq.,
Law Guardian for the Child
Jeremy R.,
-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 8, 2008, and 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Douglas H. Reiniger, Esq., 801 Second Avenue, Suite 702, New York, NY 10017, Telephone No. (212) 972-5430, 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 City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. (See M-4621, decided simultaneously herewith.)

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) 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 December 8, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

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

- - - - -
Ransis P., Sr.,
Petitioner-Respondent,

M-4621
Docket No. V26404/06

-against-

Maria P.,
Respondent-Appellant.

-----X

Respondent-appellant mother 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 March 23, 2009, and 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Douglas H. Reiniger, Esq., 801 Second Avenue, Suite 702, New York, NY 10017, Telephone No. (212) 972-5430, 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 City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. (See M-4309, decided simultaneously herewith.)

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) 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 December 8, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5047
Ind. No. 4389/07

Barry Lineberger,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Laura Ward, J.) entered on or about September 18, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 8, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----x
Mark Lewis Brecker,
Plaintiff-Respondent/Appellant, M-4525
-against- M-4565
M-4685
Index No. 111744/08
295 Central Park West Inc. and Rudin
Management Company, Inc.,
Defendants-Appellants/Respondents.
-----x

An appeal having been taken by defendants from the order of the Supreme Court, New York County, entered on or about February 5, 2009,

And an appeal having been taken by defendants from an order of said Court entered on or about September 16, 2009,

And an appeal having been taken by plaintiff from the order of said Court entered on or about September 17, 2009,

And plaintiff having moved to dismiss the appeal taken by defendants from the aforesaid order entered on or about February 5, 2009 (M-4525),

And defendants having moved for a stay of proceedings in Supreme Court in the above-captioned action pending hearing and determination of the appeal from the order entered on or about February 5, 2009, and for consolidation thereof with the appeal from the order entered on or about September 16, 2009 (M-4565),

And plaintiff having cross-moved, inter alia, in opposition to consolidation, for relief with respect to certain discovery material, and for enlargement of the record on appeal (M-4685),

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 plaintiff's motion to dismiss defendants' appeal from the order entered on or about February 5, 2009 is granted unless defendants perfect the appeal on or before January 4, 2010 for the March 2010 Term (M-4525), and it is further,

Ordered that defendants' motion to stay proceedings and for consolidation is granted to the extent of staying proceedings in both Supreme Court and Civil Court pending hearing and determination of the appeals taken by defendants, which are consolidated, on condition that the consolidated appeals are perfected on or before January 4, 2010 for the March 2010 Term (M-4565). Upon failure to so perfect, an order dismissing the consolidated appeals may be entered ex parte, provided plaintiff serves a copy of this order upon defendants within 10 days after the day of entry hereof, and it is further,

Ordered that plaintiff's motion for relief with respect to the scope of discovery and for an enlargement of the record on appeal is denied, without prejudice to addressing the issues on the appeal (M-4685).

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 December 8, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Terrence Michael Martin,
Plaintiff-Appellant,

-against-

M-4994
Index No. 105184/99

The City of New York and "John Doe,"
Construction Company, (Identity
being Unknown at this time),
Petrocelli Electric Co., Inc.,
Welsbach Electric Corp., Turner
Electric Service Inc. and Central
Park Conservancy, Inc.,
Defendants-Respondents.

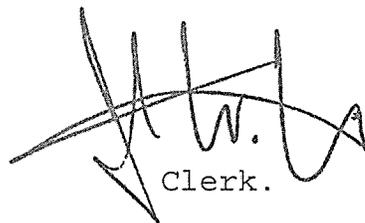
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 7, 2009 (mot. seq. no. 010),

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 May 2010 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 December 8, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Helene Garber,
Plaintiff-Respondent,

-against-

M-5054
Index No. 105673/06

Jerry H. Lynn, D.D.S.,
Defendant-Respondent,

-and-

Sol Stolzenberg, D.M.D., doing
business as Toothsavers and
Raimone Perez,
Defendants-Appellants.

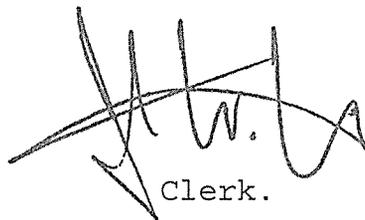
-----X

Defendants having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, New York County, entered on or about January 16, 2009,

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 April 2010 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 December 8, 2009.

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

-----X
Sport Rock International, Inc.,
et al.,
Plaintiffs-Appellants,

-against-

M-2995
Index No. 603080/05

American Casualty Company of Reading,
PA,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 12, 2009 (Appeal No. 3915),

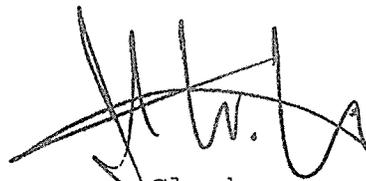
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which modified the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. (See M-3018, decided simultaneously herewith.)

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 December 8, 2009.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Fieldston Property Owners Association,
Inc.,
Plaintiff,

M-3018

-against-

Hermitage Insurance Company, Inc.,
Defendant-Appellant,

Action No. 1
Index No. 600177/03

Chubb Group of Insurance Companies,
Defendant-Respondent.

- - - - -
Hermitage Insurance Company, Inc.,
Plaintiff-Appellant-Respondent,

-against-

Action No. 2
Index No. 402063/05

Fieldston Property Owners Association,
Inc., et al.,
Defendants,

Federal Insurance Company,
Defendant-Respondent-Appellant.

-----X

Defendant-respondent-appellant in Action No. 2, Federal Insurance Company, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2009 (Appeal No. 3260-3261),

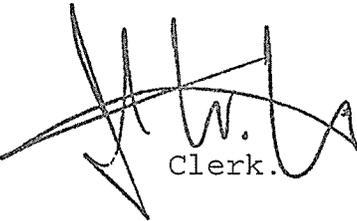
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of Supreme Court entered August 10, 2006, and modified the order of said Court entered January 25, 2007, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. (See M-2995, decided simultaneously herewith.)

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 December 8, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Shae Tylasia I. M.,

A Dependent Child under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

M-4657
M-4741
Docket No. B26239/04

- - - - -
The New York Foundling Hospital,
Petitioner-Respondent,

Lisa Anne G., also known as
Lisa Annamarie G.,
Respondent-Appellant.

- - - - -
Paul Sweeney, Esq.,
Law Guardian for the Child.

-----X

An order of this Court having been entered on September 24, 2009 (M-3572) denying, with leave to renew, petitioner's motion to dismiss the appeal taken from the order of the Family Court, Bronx County, entered on or about April 9, 2008,

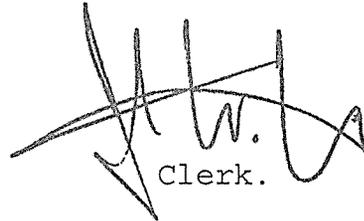
And petitioner-respondent having renewed the motion to dismiss the aforesaid appeal (M-4657),

And respondent-appellant having cross-moved for poor person relief, the assignment of counsel, a free copy of the transcript, and related relief (M-4741),

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

Ordered that the motion to dismiss the appeal is denied. The cross motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Douglas H. Reiniger, Esq., 801 Second Avenue, Suite 702, New York, NY 10017, Telephone No. (212) 972-5430, 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 City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) 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 December 8, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
In the Matter of

Fernando Alexander B.,

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law of the State
of New York.

M-4433
Docket No. B8171/08

- - - - -
Leake and Watts Services, Inc.,
et al.,
Petitioners-Respondents,

Simone Anita W.,
Respondent-Appellant,

Julio Fernando B.,
Respondent.

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

-----X

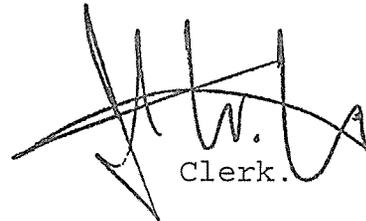
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about June 2, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth Walsh, Esq., 67 Wall Street, 22nd Floor, New York, NY 10005, Telephone No. (212) 709-8342, 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 City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) 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 December 8, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Lah De W., Docket Nos. NN6710/08
Joseph W., NN6711/08
Justice W., NN6712/08
Lahsai W. NN6713/08
and Phoenix T., NN6714/08

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

M-4400

Administration for Children's
Services of the City of New York,
Petitioner-Respondent,

Takisha W.,
Respondent-Appellant.

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

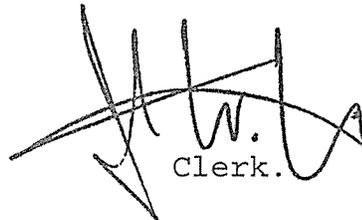
-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about February 11, 2009, and 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hastings on Hudson, NY 10706, Telephone No. (914) 439-4843, 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 City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) 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 December 8, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Tottianna B. and Destiny B.,

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

M-4402
Docket Nos. NN19456/05
NN19457/05

Commissioner of Social Services of
the City of New York,
Petitioners-Respondents,

Jessika R.,
Respondent-Appellant.

M. MacFarlane, Esq.,
Law Guardian for the Children.

-----X

Respondent-appellant 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 April 22, 2009, and 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol Lipton, Esq., 800 Greenwood Avenue, #3L, Brooklyn, NY 11218, Telephone No. (718) 436-5359, 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 City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) 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 December 8, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Natheal A.,

A Person Alleged to Be a Juvenile
Delinquent,

M-4419

Docket No. NN13427/05

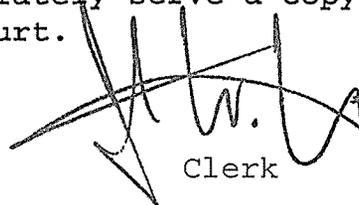
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about June 11, 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., 40 Wall Street, 28th 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;¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


Clerk

¹Service 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 December 8, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

- - - - -
Elzbieta S., M-4249
Petitioner-Appellant, Docket No. 012702/08

-against-

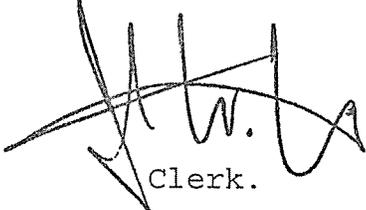
Adam S.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about August 21, 2009, and 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 upon submission of a detailed notarized affidavit, in compliance with CPLR(a), which addresses whether petitioner retained counsel in the Family Court and if so, the amount and sources of monies for counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. The affidavit shall also contain documentation which establishes petitioner's income, including Federal income tax returns for the years 2007 and 2008. (The application shall include an affidavit of the source[s] of all funds utilized by petitioner).

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 December 8, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Roman, Justices.

-----X
National Union Fire Insurance
Company of Pittsburgh, PA.,
Claimant-Appellant,

-against-

State of New York,
Defendant-Respondent.
-----X

Court of Claims

M-4690

Claim No. 106936

Claimant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Court of Claims, State of New York, entered on or about December 9, 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 January 4, 2010 for the March 2010 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 December 8, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Roman, Justices.

-----X
In the Matter of

John A. Buric,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4907
Index No. 110995/07

Raymond Kelly, as the Police Commissioner
of the City of New York and as Chairman
of the Board of Trustees of the Police
Pension Fund, Article II, The Board of
Trustees of the Police Pension Fund
Article II New York City Police
Department and the City of New York,
Defendants-Respondents.

-----X

Petitioner having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 6, 2009,

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 February 1, 2010 for the April 2010 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 December 8, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Roman, Justices.

-----X
Accounting of the Public
Administrator of the County of
New York as Adminsitrator c.t.a.
of the Estate of

M-5032
File No. 1737/1992

Abraham Rad, also known as
Abraham Farin Rad,

Deceased,

Nahid Rad,

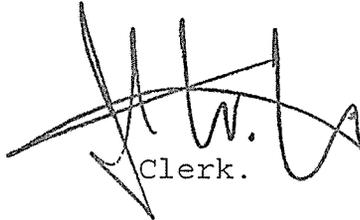
Objector-Appellant.
-----X

Objector-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about October 30, 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 February 1, 2010 for the April 2010 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that the Public Administrator of the County of New York serves a copy of this order upon the objector-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 December 8, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Roman, Justices.

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

-against-

M-4946
Ind. No. 5455/07

Victor Perez,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 15, 2009 (M-3929), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 17, 2008, and assigning Robert S. Dean, 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 Robert S. Dean, 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, Tel. 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 December 8, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Anastasia Linda H.,

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law of the State
of New York.

M-4936
Docket No. B4284/08

- - - - -
The Children's Aid Society, et al.,
Petitioners-Respondents,

Precious Elizabeth P.,
Respondent-Appellant.

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

-----X

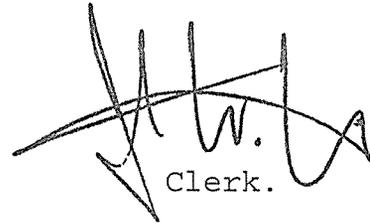
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 21, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, 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 City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) 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 December 8, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Thomas Gass,

Plaintiff,

-against-

M-4898
Index No. 302536/08

Susan Gass,

Defendant.
-----X

Plaintiff having moved to dismiss defendant's purported appeal taken from unspecified orders of the Supreme Court, New York County, entered on or about dates unknown,

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 submission of a copy of the notice of appeal or other paper which first invoked the jurisdiction of this Court, and the order, judgment or determination sought to be reviewed (22 NYCRR 600.2(a) [3]).

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 December 8, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Edward F., M-4990
Petitioner-Respondent, Docket Nos. V14269/05
O14717-05/06A
-against-

Karima G.,
Respondent-Appellant.
-----X

Petitioner-respondent having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 23, 2008, and 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Louise Belulovich, Esq., 411 East 57th Street, #14C, New York, NY 10022, Telephone No. (212) 421-6113, 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 City of New York from funds available therefor¹ within 30 days (FCA

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 8, 2009.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
James M. Catterson
Rolando T. Acosta
David Friedman, Justices.

-----x
In the Matter of the Application of
Lechar Realty Corp., and Lechar
Realty, LLC,
Petitioners-Appellants-Respondents,

-against-

M-4482
Index No. 115861/07

Steven Lawitts, as Executive Director
of the New York City Water Board and
Emily Lloyd as Commissioner of the
New York City Department of
Environmental Protection,
Respondents-Respondents-Appellants.

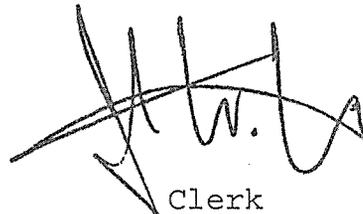
-----x
An appeal and cross appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 6, 2008 (mot. seq. no. 001)

And respondents-respondents-appellants having moved for an enlargement of time in which to perfect their cross appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated November 12, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

Plaintiff,

-against-

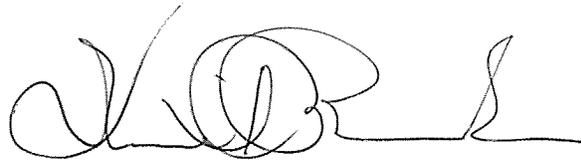
Shawndale Mickens,
Defendant.

-----X

M- 4940
Ind. No. 1392/07

CERTIFICATE
DENYING LEAVE

I, Dianne T. Renwick, 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 October 6, 2009, is hereby denied.



Hon. Dianne T. Renwick
Associate Justice

Dated:
New York, New York

ENTERED: ~*~*~*
DEC - 8 2009

PM ORDERS

ENTERED

DECEMBER 3, 2009

&

DECEMBER 4, 2009

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 December 3, 2009.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----x
Sandra Piedrabuena Abrams,

Plaintiff-Appellant,

-against-

M-5168
Index No. 110329/09

Danielle Pecile, et al.,

Defendants-Respondents.
-----x

An appeal having been taken to this Court from the amended decision and order of the Supreme Court, New York County, entered on or about November 4, 2009,

And plaintiff-appellant having moved, pursuant to CPLR 5519(c), for a stay of enforcement of Rule 130-1.1 sanction and attorney fee award, pending hearing and determination of the appeal, 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, and the interim relief granted by an order of a Justice of this Court, dated November 12, 2009, is 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 December 3, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. McGuire
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Gerald Bellamy,
Plaintiff-Appellant,

-against-

M-5001
Index No. 302588/09

Jessica Ingram Bellamy,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for, inter alia, leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 8, 2009, and for certain relief with respect the financial aspects of said order,

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

Ordered that the motion, to the extent it seeks leave to appeal to this Court, is denied, as unnecessary. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2009.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Cooper Square Realty, Inc.,

Plaintiff,

-against-

M-5297
Index No. 603457/09

Building Link, LLC,

Defendant.
-----X

Plaintiff having moved pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about November 18, 2009,

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 December 3, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Cornell University, et al.,

Plaintiffs-Respondents,

-against-

M-4998
Index No. 103966/01

Francine Gordon,

Defendant-Appellant.
-----X

An order of this Court having been entered on September 29, 2009 (M-3743), inter alia, denying defendant's motion for consolidation of the appeals taken from the judgment of the Supreme Court, New York County, entered on or about November 13, 2006 and from the order and judgment (one paper) of said Court, entered on or about August 8, 2008,

And defendant-appellant 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 December 3, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels, Justices.

-----x
Christopher Scott,
Plaintiff-Respondent,

-against-

M-5318
Index No. 100469/08

Rockaway Pratt, LLC,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 23, 2009 (mot. seq. no. 001), and said appeal having been perfected,

And defendant-appellant having moved for a stay of all proceedings including a trial with respect to the issue of damages, 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 December 3, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Ndue Selora and Luce Selora,
Plaintiffs-Respondents,

-against-

Keith Jacobson,
Defendant-Appellant,

81 Spring Realty LLC and 81 Spring
Realty Corp.,
Defendants-Respondent,

The Bayard House,
Defendant,

Horizon Realty & Development
Corporation,
Defendant-Respondent,

M-5167
Index No. 13268/04

DeLaurentis Management Corp.
and Seaboard Construction
Corporation of New Jersey,
Defendants,

Newmark Construction Services,
L.L.C., Newmark & Company Real
Estate, Inc., Bobrow Realty Co.,
LLC, Victory Air-Conditioning,
Inc. and Triple L. Construction Inc.,
Defendants.

-----X

Defendant Jacobson having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 16, 2009,

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 December 4, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Roman, Justices.

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

Respondent,

-against-

M-5369
Ind. No. 4154/00

Debra Peavey,

Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of resentence of the Supreme Court, New York County, entered on or about July 30, 2009,

And an order of a Justice of this Court Granting Bail After Appeal Taken having been entered July 31, 2009 (M-3579), inter alia, releasing defendant on her own recognizance and staying execution of sentence,

And an order of a Justice of this Court having been entered on November 25, 2009, inter alia, granting defendant a further stay of execution of sentence,

And defendant having now moved for leave to prosecute the instant appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for a continuation of the stay of execution of sentence, 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 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 serve one copy of such brief upon the District Attorney of said county and file 10 reproduced copies of such brief, together with the original record, with this Court.

The stay of execution of sentence previously granted by a Justice of this Court entered on November 25, 2009 is continued on condition defendant-appellant perfects the appeal within 120 days from the date 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 December 3, 2009.

Present: Hon. Peter Tom, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5008
Ind. No. 1073/08

Jerry Smith,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 11, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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 his indigency, including the amount and sources of his income and listing his property with its value.

ENTER:



Clerk.