

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 10, 2009.

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

-----X
Salvatore Parisi,
Plaintiff-Respondent,

-against-

M-5314X
Index No. 100152/06

Marriott International Inc.
and Schindler Elevator Corp.,
Defendants-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about June 24, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 10, 2009.

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

-----X
Deborah Early,
Plaintiff,

-against-

M-5356X
Index No. 17107/05

Marcus A. King, Edith Stapleton,
Edward L. Mitchell and 180 Connect,
Inc.,
Defendants.

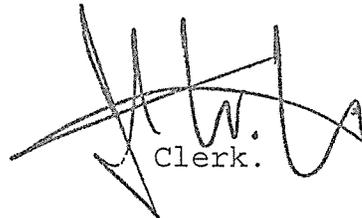
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 9, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 24, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 10, 2009.

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

-----X
Lee Laino,
Plaintiff-Appellant,

-against-

Fred Alger Management, Inc.,
Defendant-Respondent.

M-5370X
Index No. 601469/07

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 17, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 25, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2009.

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

-----X
Brad Bonaparte,
Plaintiff-Appellant,

-against-

M-5350
Index No. 8241/04

Target Stores, Inc.,
Defendant,

Kingsbridge Associates, Inc.,
Kingsbridge Associates, LLC,
and Jeffrey M. Brown Associates,
Inc.,

Defendants-Respondents.

-----X
Kingbridge Associates, LLC and
Jeffrey M. Brown Associates, Inc.
Third-Party Plaintiffs-Respondents,

-against-

Amthor Steel Inc. and St. Paul
Surplus Lines Insurance Co.,
Third-Party Defendants,

J.C. Steel Corp. and Westchester
Fire Insurance Co.,
Third-Party Defendant-Respondents.

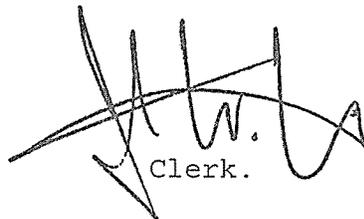
-----X

Plaintiff having perfected an appeal from the orders of the Supreme Court, Bronx County, entered on or about October 3, 2008 and May 4, 2009, respectively,

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

It is ordered that the appeal, previously perfected for the September 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2009.

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

-----X
Volage Realty, LLC.,
Petitioner-Respondent,

-against-

M-4805
Index No. 570674/07

Christopher Graham,
Respondent-Appellant.

-----X

Respondent 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 April 23, 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 10, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
David Friedman
James M. McGuire, Justices.

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

-against-

M-4477
Ind. No. 708/06

John Blanding,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 25, 2007 (Appeal No. 1535), unanimously affirming a judgment of the Supreme Court, New York County (Michael J. Obus, J.), rendered on February 1, 2007,

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,

And an order of this Court dated January 3, 2008 (M-5527) having denied the aforesaid 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.

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 10, 2009.

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

-----X
S.M. Pires,
Plaintiff-Appellant,

-against-

Frota Oceanica Brasileira, S.A.,
Defendant-Respondent,

M-4339
Index No. 1453/06

Galveston Wharves, doing business as
Port of Galveston, et al.,
Defendants.

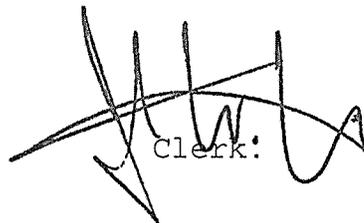
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Defendant-respondent having moved for dismissal of the consolidated appeals taken from the orders of the Supreme Court, Bronx County, entered on or about April 30, 2008 and September 25, 2008, respectively,

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

It is ordered that the motion is granted and the consolidated appeals are 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 December 10, 2009.

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

-----x
In the Matter of the Application of
Rudranau Toolasprashad,
Petitioner-Respondent,

For a Judgment under Article 78 of
the CPLR,

M-4545
Index No. 109964/06

-against-

Raymond W. Kelly, etc., et al.,
Respondents-Appellants.
-----x

Respondents-appellants 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 July 13, 2007 (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 the time in which to perfect the appeal to the April 2010 Term, with leave to seek a further enlargement, if necessary.

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 10, 2009.

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

-----X
James Williams,

Plaintiff-Appellant,

-against-

M-4659
Index No. 104676/07

The City of New York, et al.,

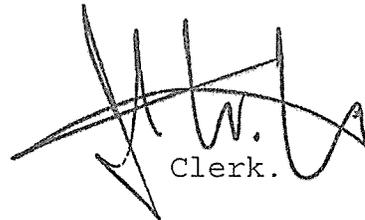
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 17, 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 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 in the County of New York on December 10, 2009.

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

-----X
RNK Capital LLC, Grey K Environmental
Fund, LP and Grey K Environmental
Offshore Fund, Ltd.,
Plaintiffs-Appellants,

-against-

M-5279
Index No. 603483/06

Natsource LLC, Natsource Asset
Management LLC, Natsource
Transaction Services LLC,
Natsource Europe Ltd.,
Natsource Japan Co., Ltd.,
Ben Richardson, Michael Intrator,
David Oppenheimer and Jack Cogen,
Defendants-Respondents.

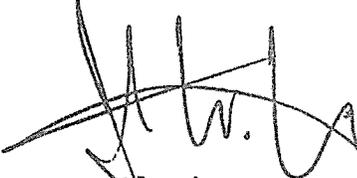
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Plaintiffs-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 28, 2009 (mot. seq. no. 005),

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated November 18, 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 10, 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-5169
Ind. No. 2794/07

Paul Alexander,

Defendant-Appellant.
-----X

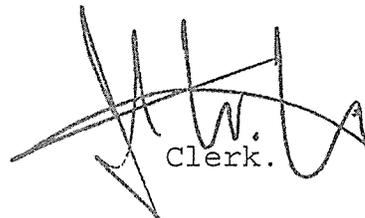
An order of this Court having been entered on August 4, 2009 (M-3019), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 2008,

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

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

It is ordered that the motion is 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 10, 2009.

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

-----X
Eric R. Vera,
Plaintiff-Respondent,

-against-

M-5000
Index No. 340532/07

Mohammed Islam,
Defendant-Appellant,

-and-

Pierre-Paul Kesner and Mist Hacking
Corp.,
Defendants-Appellants.

-----X

Defendants Pierre-Paul Kesner and Mist Hacking Corp. 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 July 31, 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.

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 10, 2009.

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

-----X
Rosanna Renelique,
Plaintiff-Appellant,

-against-

M-5117
Index No. 110758/08

New York City Housing Authority,
Defendant-Respondent.

-----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 16, 2009 (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 the time in which to perfect the appeal to 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 10, 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,

-against-

M-5118
Docket No. 99N059589

Othon Garcia,
Defendant.

-----X

Defendant having moved for leave to appeal to this Court from the order of the Criminal Court, New York County, rendered on or about March 9, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from the Law Offices of Fisher & Byrialsen received December 2, 2009, and due deliberation having been had thereon,

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

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 10, 2009.

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

-----X
In the Matter of

Pricilla A., Docket Nos. B6671/05
Sofia A., B6672/05
Celine N., B6673/05
and Raquel N., B6674/05

Dependent Children under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

McMahon Services for Children, M-5128
a program of Good Shepard Services,
et al.,
Petitioners-Respondents,

Evelyn O.,
Respondent-Appellant.

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

-----X
In the Matter of

Pricilla A. Docket Nos. B6671/05
and Sofia A., B6672/05

Dependent Children under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

McMahon Services for Children,
a program of Good Samaritan Services,
et al.,
Petitioners-Respondents,

Jose A.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Evelyn O., having taken an appeal (under Docket Nos. B6671/05, B6672/05, B6673/05 and B6674/05) from the order of the Family Court, New York County, entered on or about October 1, 2008, and said appeal having been perfected,

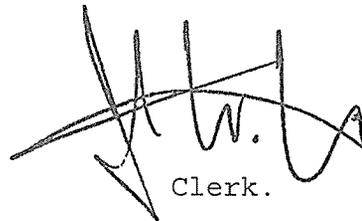
And respondent-appellant father, Jose A., having taken an appeal (under Docket Nos. B6671/05 and B6672/05) from the order of said Family Court, entered on or about October 1, 2008, and said appeal having been perfected,

And Steven Banks, Esq., (by Susan Clement of counsel) Law Guardian for the above-named children, having moved for an order consolidating the aforesaid appeals taken by respondent mother and father to the extent of placing said appeals on the same day calendar and permitting the law guardian to file one brief on behalf of the subject children in response to said appeals,

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

Ordered that the motion is granted to the extent of directing the Clerk to calendar the appeals for hearing together during the February 2010 Term, to which Term the consolidated appeals are adjourned. The law guardian shall file 8 copies of one brief on behalf of the subject children in response to said appeals.

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 10, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----x
Kathryn Jordan,

Plaintiff,

-against-

M-4549
Index No. 105183/07

Gary Phelan, Wayne Outten and Outten
& Golden,

Defendants.
-----x

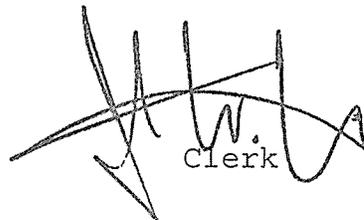
An order of this Court having been entered on September 22, 2009 (M-3454/M-3490), dismissing plaintiff's appeal from the order of the Supreme Court, New York County, entered on or about May 30, 2008,

And plaintiff having moved for vacatur of the order of this Court entered on September 22, 2009 (M-3454/M-3490), 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. The Clerk is directed to accept no further motions or applications in this action from plaintiff without prior leave of this Court. (See M-4648, 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 10, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----x
Kathryn Jordan,

Plaintiff,

-against-

M-4648
Index No. 600246/07

Laurence Lebowitz and Klein Zellman,

Defendants.
-----x

An order of this Court having been entered on September 22, 2009 (M-3360), dismissing plaintiff's appeal from the order of the Supreme Court, New York County, entered on or about June 6, 2008,

And plaintiff having moved for vacatur of the order of this Court entered on September 22, 2009 (M-3360), 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. The Clerk is directed to accept no further motions or applications in this action from plaintiff without prior leave of this Court. (See M-4549, 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 10, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Extell 609 West 137th Street, LLC,
Petitioner-Landlord-Respondent,

-against-

M-4406
Index No. 570277/09

Altagracia Santana,
Respondent-Appellant,

-and-

Carmen Madera, "John Doe" and/or
"Jane Doe,"
Respondents-Undertenants-Appellants.

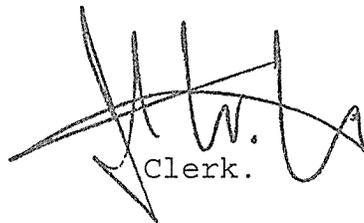
-----X

Respondent-undertenant Carmen Madera 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 August 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 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 10, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

-against-

M-1573
Ind. No. 2764/03

Jorge Adoms,
Defendant.

-----X

Defendant having renewed his motion for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 20, 2004, for leave to prosecute the appeal as a poor person, upon the original record and a reproduced appellant's brief, or in the alternative an order in the nature of a writ of error coram nobis 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, to the extent it seeks an enlargement of time in which to file a notice of appeal is denied (CPL 460.30 subd. 1). So much of the motion which seeks an order in the nature of a writ of error coram nobis 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 10, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Nelson S. Roman, Justices.

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

-against-

M-4504
Ind. No. 1998/97

David Rivera,
Defendant-Appellant.

-----X

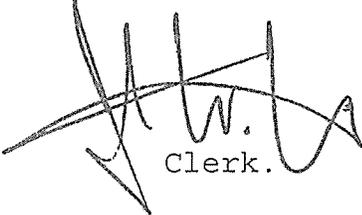
A decision and order of this Court having been entered on April 4, 2002 (Appeal No. 669-670), unanimously affirming a judgment of the Supreme Court, New York County (Jeffrey Atlas, J.), rendered on May 14, 1998,

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.

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 December 10, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
Dianne T. Renwick
Helen E. Freedman
Nelson S. Roman, Justices.

-----X
Knolls Cooperative Section No. 2,
Inc.,
Plaintiff-Appellant,

-against-

M-5100
Index No. 307661/08

Howard Pianko,
Defendant-Respondent.

-----X

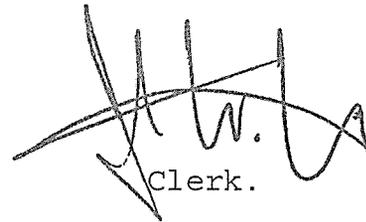
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 2, 2009,

And plaintiff-appellant having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518, barring defendant from taking occupancy of a certain apartment, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

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 10, 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-5009
Ind. No. 2483/09

Alberto Cosme,
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 July 16, 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, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 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-5139
Ind. No. 465/03

Carlos Hernandez,
Defendant-Appellant.

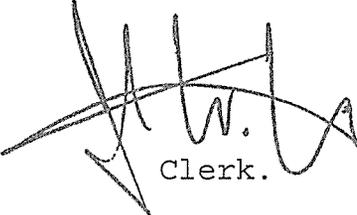
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 6, 2005,

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 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 10, 2009.

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

-----X
IDX Capital LLC, et al.,

Plaintiffs-Respondents,

-against-

M-4913
Index No. 102806/07

Phoenix Partners Group LLC, et al.,

Defendants-Appellants,

Interdealer Information Technologies,
LLC, et al.,

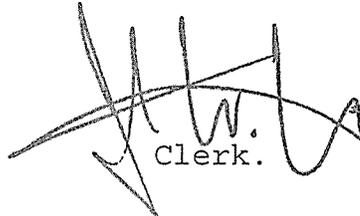
Defendants.
-----X

Defendants-appellants 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 December 5, 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 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 10, 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,

M-4999
Ind. Nos. 487/07
1919/07
3771/07

-against-

Nikos Kontos, also known as John Doe,

Defendant-Appellant.
-----X

Defendant-appellant, in connection with an appeal taken from the judgments of the Supreme Court, New York County, rendered on or about August 13, 2008, having moved for leave to file a 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 10, 2009.

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

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

-against-

M-5007
Ind. No. 5316/02

Rosa DelaCruz,
Defendant.

-----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 August 26, 2003, 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 denied. (CPL 460.30 subd. 1).

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 10, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. Catterson
Rolando T. Acosta, Justices.

-----x
Anwar Barrett-Bell, an infant by his
mother and natural guardian Crystal
Barrett, et al.,
Plaintiffs-Respondents,

-against-

M-5321
Index No. 15122/05

Iris Cab Corp., et al.,
Defendants,

Julio Cesar Mendoza, et al.,
Defendants-Appellants.

-----x
Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about January 8, 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, as moot. (See Appeal No. 1744N, 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 10, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. Catterson
Rolando T. Acosta, Justices.

-----x
Alexie Amamedi and Maimouna Diarra,

Plaintiffs-Respondents,

-against-

M-5025
Index No. 15722/07

Joel O. Arichabala and Robert Sang,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about August 5, 2009, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

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 10, 2009.

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

-----X
Jennifer Arrieta and Oscar Arrieta,
infants by their mother and natural
guardian, Violetta Arrieta, and
Violetta Arrieta, individually;
Christina Morciglio, an infant by
her mother and natural guardian,
Beatrice Marin, and Beatrice Marin,
individually,

M-4995
Index No. 8774/01

Plaintiffs-Appellants-Respondents,

-against-

Shams Waterproofing, Inc.,

Defendant-Respondent-Appellant,

Jerome Cluster I, LLC, et al.,

Defendants.
-----X

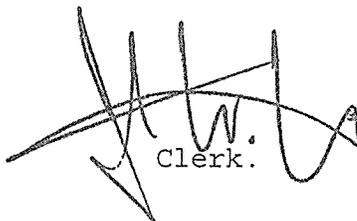
An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 29, 2008,

And plaintiffs-appellants-respondents having moved for an enlargement of time in which to perfect the direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to 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 10, 2009.

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

-----X
DeKalb Trading, LLC, E&Y Development
of New York, LLC and E&Y Development,
Inc.,
Plaintiffs-Appellants,

-against-

M-4190
Index No. 650224/07

Yoe Development Corp., Yoram Hillel,
Oren Hillel, Itamar Hillel, also known
as Tomer Hillel,
Defendants-Respondents.

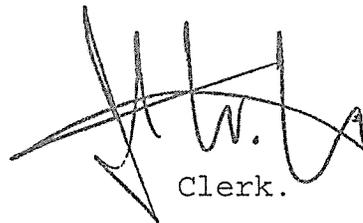
-----X

Plaintiffs-appellants 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 November 25, 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 the time in which to perfect the appeal to 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 10, 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-4753
Ind. No. 1338/07

Jairo Manchola,
Defendant-Appellant.

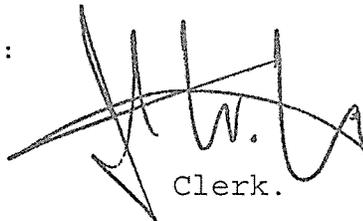
-----X

Respondent having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 30, 2007,

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

It is ordered that the motion is granted and the appeal is dismissed.

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 10, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse
Nelson S. Roman, Justices.

-----X
Felicia Pickett Johnson and Ikea
Johnson,

Plaintiffs-Appellants,

M-4399
Index No. 251305/08

For a Judgment, etc.,

-against-

New York City Board of Education,

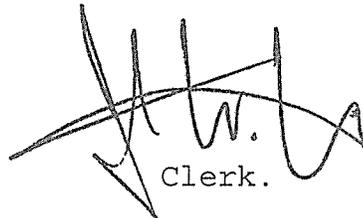
Defendants-Respondents.
-----X

Plaintiffs-appellants having renewed their motion for leave to prosecute, as poor persons, the appeal from the orders of the Supreme Court, Bronx County, entered on or about February 5, 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.

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 10, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse
Nelson S. Roman, Justices.

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

-against-

M-4899
Ind. No. 30142/07

Scott Liden,
Defendant-Appellant.

-----X
Scott Liden,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

Index No. 400532/09

Elizabeth Devane, Chairperson,
New York State Board of Examiners of
Sex Offenders,

Denise O'Donnell, Commissioner,
New York State Division of Criminal
Justice Services,
Respondents-Respondents.

-----X

An appeal having been taken in the above-titled matter *People v Liden* from the order of the Supreme Court, New York County (John Cataldo, J.), entered on or about January 8, 2009; and an appeal having been taken in the above-titled Article 78 proceeding *Liden v Devane* from the order of Supreme Court, New York County (Marilyn Shafer, J.), entered on or about September 25, 2009,

And Steven Banks, Esq., counsel for defendant in *People v Liden*, having moved for consolidation of the aforesaid appeals, and for leave to petitioner to prosecute the appeal in *Liden v Devane* as a poor person, and for a directive that this Court's published opinion in this Article 78 proceeding refer to appellant using his initials only as a pseudonym,

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 permitting the appeal in the Article 78 proceeding *Liden v Devane* 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 respondents 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. 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 10, 2009.

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

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

-against-

M-4211
Ind. No. 910/05

Lawrence Jackson,

Defendant.

-----X

An order of this Court having been entered on September 1, 2009 (M-3321), denying defendant poor person relief and the assignment of counsel with respect to defendant's then pending motion (M-3612) for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about June 17, 2009, which denied defendant's application for CPL §440.10 relief,

And defendant's aforesaid motion for leave to appeal to this Court having been denied by an order of a Justice of this Court and entered on October 22, 2009 (M-3612),

And defendant having renewed his motion for poor person relief and 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 denied, as academic, the aforesaid motion for leave to appeal to this Court having been denied by the order of a Justice of this Court, entered on October 22, 2009 (M-3612).

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 10, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

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

-against-

M-5041
Ind. No. 255/04

Jose Alvarado,
Defendant.

-----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 July 21, 2004, 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 denied. (CPL 460.30 subd. 1).

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 10, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

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

-against-

M-5155
Ind. No. 2548/06

Michael Howard,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 17, 2008,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of 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 December 10, 2009.

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

-----X
Dana Grogan, et al.,
Plaintiffs-Appellants,

-against-

M-4850
M-4966
Index No. 112008/03

Gamber Corporation, doing business as
Milford Plaza Hotel, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from the judgment of the Supreme Court, New York County, entered on or about September 19, 2008 and from the order of said Court entered on or about February 24, 2009 (mot. seq. no. 008),

And an order of this Court having been entered on September 8, 2009 (M-3570), consolidating the aforesaid appeals and granting an enlargement of time to perfect same,

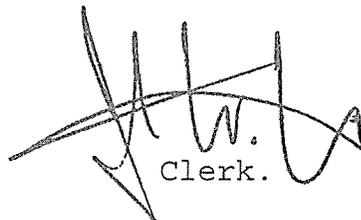
And plaintiffs-appellants having moved for an enlargement of time in which to perfect the consolidated appeals (M-4850),

And defendants-respondents having cross-moved to dismiss the aforesaid consolidated appeals (M-4966),

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

Ordered that the motion is denied, the cross motion granted, and the consolidated appeals are 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 December 10, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Tamir Sapir,
Plaintiff-Appellant,

-against-

M-5119
Index No. 601146/07

Gregory Hovas, Jana Stadler Jaffe and
Beatriz Pasquel Jaffe,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 23, 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 to dismiss the appeal is granted unless the appeal is perfected for the May 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the appellant within ten 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 10, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Ian J. Gazes, Esq., as Trustee
in Bankruptcy for the Bankruptcy
Estate of John Horan, Debtor,
Plaintiff-Appellant,

-against-

M-4841
Index No. 112072/07

John C. Bennett,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 8, 2008 (mot. seq. no. 001), said appeal having been perfected for the January 2010 Term,

And defendant-respondent having moved to strike plaintiff-appellant's brief and record 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, without prejudice to defendant-respondent addressing the issue in its respondent's brief on the aforesaid appeal which is adjourned to the February 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 10, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
In re Zoraida Marie C., etc.,

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

Sylvia C., M-5033
Respondent-Appellant, Docket No. B-11669/07

The New York Foundling Hospital,
et al.,
Petitioners-Respondents.

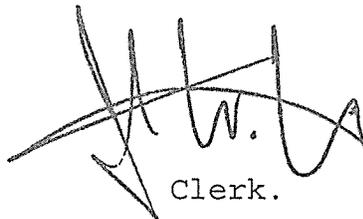
-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 13, 2009 (Appeal No. 1152),

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 10, 2009.

Present - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

-----x
Crystal Biton and Danielle Biton,
Plaintiffs-Appellants,

-against-

M-3989
M-4248
Index No. 601732/02

State Farm Insurance Company, et al.,
Defendants-Respondents.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about August 5, 2009,

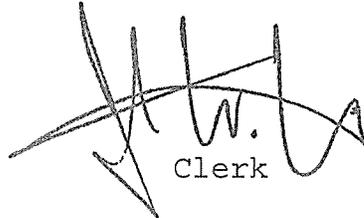
And defendants-respondents having moved for dismissal of the aforesaid appeal (M-3989),

And plaintiffs-appellants having cross-moved for leave to prosecute the appeal as poor persons, for leave to have the appeal heard on the original record and upon a reproduced appellants' brief, and for other relief (M-4248),

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 and the appeal is dismissed. The cross motion is denied, as academic.

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 10, 2009.

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

-----X
Inter-City Tire and Auto Center, Inc.,
a New Jersey Corporation,

Plaintiff,

M-3755

M-3916

-against-

Index No. 116240/07

Sterling National Bank, Etc., et al.,

Defendants.
-----X

An order of this Court having been entered on June 30, 2009 (M-2035/M-2075), dismissing plaintiff's appeal taken from the order of the Supreme Court, New York County, entered on or about May 23, 2008 (mot. seq. no. 004),

And plaintiff having moved to vacate the aforesaid order of this Court entered on June 30, 2009 [M-2035/M-2075] (M-3755),

And defendants having cross-moved for sanctions (M-3916),

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 and cross motion 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 December 10, 2009.

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

-----X
Nancy Waldbaum Nimkoff,
Plaintiff-Appellant-Respondent,

-against-

Action No. 1

Ronald A. Nimkoff,
Defendant-Respondent-Appellant.

-----X
Nancy Waldbaum Nimkoff,
Plaintiff-Respondent,

-against-

M-4957
Index No. 350768/02

Action No. 2

Ronald A. Nimkoff,
Defendant-Appellant.

-----X

An appeal and cross appeal having been taken in Action No. 1 from the order of the Supreme Court, New York County, entered on or about August 13, 2008,

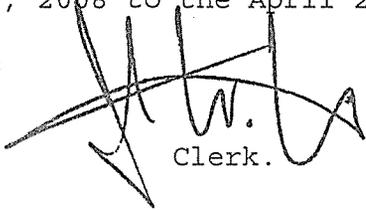
And an appeal having been taken in Action No. 2 from the order of said Supreme Court, entered on or about September 14, 2009,

And defendant-respondent/appellant Ronald A. Nimkoff having moved for an order staying the hearing by this Court of plaintiff-appellant's appeal from the order entered on or about August 13, 2008 until this Court decides defendant's appeal from the order entered on or about September 14, 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 granting a preference in the hearing of defendant's appeal from the order of Supreme Court entered on or about September 14, 2009 and directing the Clerk to calendar said appeal for hearing in the first week of the January 2010 Term and adjourning the appeal and cross appeal from the order entered on or about August 13, 2008 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 in the County of New York on December 10, 2009.

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

-----X
Metro Foundation Contractors, Inc.,
Plaintiff-Appellant,

-against-

M-5138
Index No. 600520/09

Marco Martelli Associates, Inc.,
Defendant-Respondent,

Village Care of New York, Inc.,
Defendant.

-----X

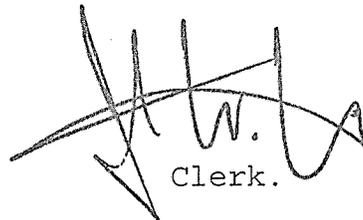
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 20, 2009, which referred the above-titled matter to the ADR Program of the Commercial Division,

And plaintiff-appellant having moved to stay alternative dispute resolution, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

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 10, 2009.

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

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

-against- M-4860
Ind. No. 3829/08

Randall John,
Defendant-Appellant.
-----X

An order of this Court having been entered on October 6, 2009 (M-4003), 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 9, 2009,

And assigned counsel, Robert S. Dean, 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 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, 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 10, 2009.

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

-----X

Dennys Hiraldo,
Plaintiff-Respondent,

M-4764

M-4784

-against-

Index No. 16485/05

New York City Housing Authority,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 24, 2009 (M-3934X), withdrawing the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 24, 2008, in accordance with a stipulation of the above-named parties, "so ordered" on August 26, 2009,

And plaintiff having moved for an order reinstating the aforesaid appeal (M-4764),

And defendant having cross-moved for the same relief (M-4784),

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 and cross motion are granted, the appeal is reinstated, and time in which to perfect said appeal is enlarged to 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 10, 2009.

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

-----X
George Heath,

Plaintiff-Appellant,

-against-

M-4903
Index No. 40555/78

John S. Wojtowicz, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 17, 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 plaintiff's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), which accounts for the royalties received or to be received pursuant to the IAS Court's June 9, 2009 order, and addressing why an appeal lies from the September 17, 2009 order denying reargument.

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 10, 2009.

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

-----x
Gary E. Haynes,
Plaintiff-Respondent,

-against-

M-4781

AAA Architectural Hardware Co., et al., Index No. 111570/05
Defendants,

-and-

Thyssenkrupp Elevator Corporation, as
successor in Interest and/or doing
business as "Dover Elevator",
Defendant-Appellant.

(And a third-party action)

Index No. 591081/05
-----x

Defendant/third-party defendant-appellant 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 February 6, 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 September 2010 Term.

ENTER:


Clerk

PM ORDERS

ENTERED

DECEMBER 8, 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 8, 2009.

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

-----X
Jelica Tatalovic,
Plaintiff-Respondent,

-against-

M-4922

Index No. 102297/06

Nightlife Enterprises, L.P., et al.,
Defendants-Appellants,

The Estate of Michael N. Mathias,
formerly known as Nenad Matijasevic,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 12, 2009,

And plaintiff-respondent having moved to strike certain portions of the record on appeal filed by defendants,

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.