

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 22, 2009.

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

-----X  
Charles Rochester,  
Plaintiff-Appellant,

-against-

M-4762  
Index No. 340931/07

John Mattingly, Commissioner of  
Administration for Children's  
Services, et al.,  
Defendants-Respondents.

-----X

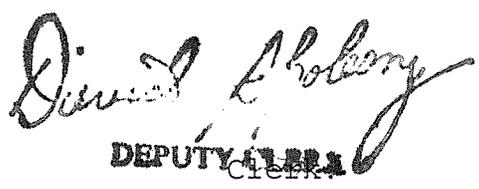
An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 4, 2008,

And respondents having moved to dismiss the appeal upon plaintiff's failure to prosecute,

Now, upon reading and filing the motion of the parties hereto, dated October 15, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
DEPUTY 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 22, 2009.

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

-----X  
Jaime Errico,  
Plaintiff-Appellant,

-against-

M-5520X  
Index No. 350293/06

Salvatore Guerrera,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 17, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 4, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
DEPUTY 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 22, 2009.

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

-----X  
Somer Graham,  
Plaintiff-Respondent,

-against-

M-5522X  
Index No. 106728/07

Blissworld LLC, doing business as  
Bliss Spa,  
Defendant-Appellant,

"Bella" (a name intended to represent  
the employee, agent, servant or  
representative of defendant Blissworld  
LLC who performed treatment),  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 25, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 8, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

-----X  
Regina Grieco Price,  
Plaintiff-Respondent,

-against-

M-5525X  
Index No. 350130/01

Jeffrey P. Price,  
Defendant-Appellant.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 2, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

-----X  
Stanley Jonas and Axiom  
Management Partners, LLC,  
Plaintiffs-Appellants,

-against-

M-5547X  
Index No. 600585/08

Newedge USA, LLC, Newedge Financial,  
Inc., and Societe Generale, S.A.,  
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 4, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

-----X  
Josephine Custini,  
Plaintiff-Respondent,

-against-

M-5550X  
Index No. 604084/06

Radio City Productions, LLC.,  
and Cablevision Systems Corp.,  
Defendants-Appellants,

RCPI Landmark Properties, LLC.,  
et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 31, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK  
CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 22, 2009.

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

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

-against-

M-5558  
Ind. No. 2132/08

Michelle Warren, also known as  
Michael Warren,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 28, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated December 3, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

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

-against-

M-5583  
Ind. No. 604/07

Aneurys Garcia-Gomez,  
Defendant-Respondent.

-----X

The People having appealed to this Court from orders of the Supreme Court, New York County, entered on or about November 15, 2007 and December 3, 2007,

Now, upon reading and filing the stipulation of the parties hereto dated December 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

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

-against-

M-5584  
Ind. No. 518/07

Juan Ecevedo-Guerrero,  
Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about October 17, 2007,

Now, upon reading and filing the stipulation of the parties hereto dated December 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

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

-against-

M-5585  
Ind. No. 1509/09

Corey Woody,  
Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about September 11, 2009,

Now, upon reading and filing the stipulation of the parties hereto dated December 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 22, 2009.

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

-----X  
First Atlantic Realty Inc. and  
ATCO Residential Group,  
Plaintiffs-Respondents,

-against-

M-5595X  
Index No. 602133/05

Elba Bozzo, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 15, 2009 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

-----X  
Leonard Kauftheil, as Executor of  
The Estate of Anny Kauftheil,  
Deceased,  
Plaintiff,

-against-

M-5596X  
Index No. 106567/07

220 W. 98 Realty LLC and  
The Expansion Group, Inc.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 13, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 8, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 22, 2009.

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

-----X  
Kathleen Rice,  
Plaintiff-Respondent,

-against-

M-5597X  
Index No. 101207/05

West 37th Group, LLC, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 14, 2009 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 8, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

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

-against-

M-5606  
Ind. No. 3782/07

Kostas Kapsis, also known as  
The Viper, also known as Mike Belios,  
Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about February 26, 2009,

Now, upon reading and filing the stipulation of the parties hereto dated December 9, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

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

-against-

M-5608  
Ind. No. 3782/07

Keith Cummings, also known as  
Anthony Marshal, also known as  
Pincushion,  
Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about March 3, 2009,

Now, upon reading and filing the stipulation of the parties hereto dated December 9, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 22, 2009.

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

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

-against-

M-5609  
Ind. No. 3343/08

Stacy Jones,  
Defendant-Respondent.

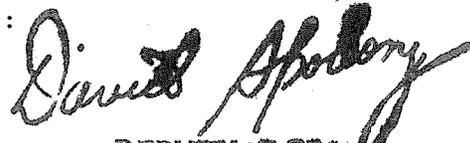
-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about January 9, 2009,

Now, upon reading and filing the stipulation of the parties hereto dated December 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 2009.

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

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

-against-

M-5610  
Ind. No. 5040/08

Kevin Strong,  
Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about April 28, 2009,

Now, upon reading and filing the stipulation of the parties hereto dated December 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY 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 22, 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-

Derrick Wright,  
Defendant.

M-4965  
Ind. Nos. 7322/95  
7472/96

-----X

Appeals having been taken from judgments of the Supreme Court, Bronx County, rendered on or about September 4, 1997,

And the People having moved to dismiss the aforesaid appeals,

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

It is ordered that the motion is granted and the appeals are dismissed.

ENTER:

  
DEPUTY 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 22, 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

Juanita Chestnut,  
Petitioner-Appellant,

For an Order Pursuant to Article 78  
of the CPLR,

M-5083  
Index No. 400976/08

-against-

The New York City Housing Authority,  
Elliot Chelsea Houses,  
Respondent-Respondent.

-----X

Respondent having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about November 20, 2008,

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

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

ENTER:

  
Clerk  
DEPUTY 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 22, 2009.

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

-----X  
Kevin Kreso,  
Plaintiff-Respondent,

-against-

M-5278  
Index No. 13419/04

Riverdale Country School,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 17, 2009,

And plaintiff-respondent having moved, pursuant to CPLR 5513(a), for dismissal of the appeal as untimely taken,

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:

  
DEPUTY 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 22, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman,  
Sheila Abdus-Salaam, Justices.

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

-against-

M-5337  
Ind. No. 6496/08

Dwight Parks,  
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 October 13, 2009, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

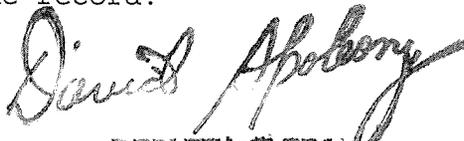
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
DEPUTY 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 22, 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

Brianna R.,

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

M-4716  
Docket No. NN2398/09

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

Marisol G.,  
Respondent-Appellant.

- - - - -  
Monica Miller, 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, Bronx County, entered on or about September 9, 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, Richard L. Herzfeld, Esq., 555 Fifth Avenue, 14<sup>th</sup> Floor, New York, NY 10017, Telephone No. (212) 818-9019, 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 therefor<sup>1</sup> 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:

  
DEPUTY CLERK.

---

<sup>1</sup>Service 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 22, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
David B. Saxe  
John W. Sweeny, Jr., Justices.

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

-against-

M-4711  
Ind. No. 73/02

Henry Barrington,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 21, 2006 (Appeal Nos. 9598-9599), unanimously affirming a judgment of the Supreme Court, Bronx County (William I. Mogulescu, J. at hearing; Edward M. Davidowitz, J. at jury trial and sentence), rendered on July 2, 2003,

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

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

It is ordered that said application is denied.

ENTER:

  
DEPUTY 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 22, 2009.

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

-----X  
M.N. Dental Diagnostics, P.C.,  
as assignee of Daniel Burgos,  
Plaintiff-Respondent,

-against-

M-4613  
Index No. 570775/07

Government Employees Insurance  
Company,  
Defendant-Appellant.

-----X

Defendant 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 June 19, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:

  
DEPUTY CLERK  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 22, 2009.

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

-----X  
Anthony Argento,  
Petitioner-Landlord-  
Appellant-Respondent,

-against-

M-4981  
Index No. 570846/07

Yoko Yamanaka,  
Respondent-Tenant,

-and-

Anna Marie Stratton, Elva Douglas,  
"John Doe" and "Jane Doe,"  
Respondents-Undertenants-  
Respondents-Appellants.

-----X

Petitioner-landlord-appellant-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 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:

  
DEPUTY 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 22, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
John T. Buckley, Justices.

-----x  
In the Matter of L&M Bus Corp., et al.,  
Petitioners-Respondents-Appellants,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

New York City Department of Education, M-3723  
Board of Education of the City of M-4066  
New York, and David N. Ross, etc., M-4068  
Respondents-Appellants-Respondents. Index No. 104001/08  
-----

Local 1181-1061, Amalgamated Transit  
Union, AFL-CIO,  
Intervenor-Appellant.  
-----x

Respondents New York City Department of Education, et al. having moved, pursuant to CPLR 5701(b)(1), for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about July 13, 2009 (M-3723),

And intervenor Local 1181-1061, Amalgamated Transit Union, AFL-CIO having separately moved for the aforesaid relief (M-4066),

And petitioners L&M Bus Corp., et al. having cross-moved for the aforesaid relief (M-4068),

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 the motions (M-3723/M-4066) are granted, and the cross motion (M-4068) is denied, as unnecessary. (See Appeal No. 1001, decided simultaneously herewith.)

ENTER:

  
DEPUTY 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 22, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Joan M. Kenney, et al.,  
Plaintiffs-Appellants,

-against-

M-5260  
Index No. 811/02

The City of New York, et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 11, 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:

  
DEPUTY 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 22, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Gwendolyn Wise-Love, et al.,  
Plaintiffs-Appellants,

-against-

M-5258  
Index No. 113020/04

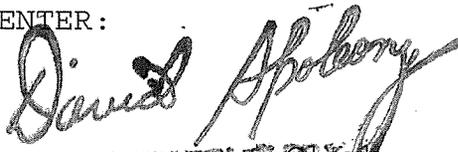
60 Broad Street LLC, et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-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 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:

  
DEPUTY 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 22, 2009.

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

-----X  
Paul Heaney and Margaret Heaney,  
Plaintiffs-Appellants,

-against-

M-5056  
Index No. 570160/08

Hospital For Special Surgery,  
Defendant-Respondent.  
-----X

Plaintiffs-appellants 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 22, 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:

  
DEPUTY 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 22, 2009.

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

-----X  
In the Matter of the Application of  
Miriam Velez,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4901  
of the Civil Practice Law and Rules, Index No. 406685/07

-against-

New York City Housing Authority,  
Lincoln Houses,  
Respondent-Respondent.

-----X

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

And respondent-respondent having moved, for dismissal of the appeal as untimely taken,

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:

  
DEPUTY 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 22, 2009.

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

-----X  
In the Matter of the Application of  
Edna Fernandez and Cornelia Benton,  
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 M-4968  
of the Civil Practice Law and Rules, Index No. 401768/08

-against-

New York State Division of Housing and  
Community Renewal and New York State  
Public Service Commission,  
Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 30, 2009 (mot. seq. no. 002),

And petitioners-respondents having moved, for dismissal of the appeal as untimely taken,

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:

  
DEPUTY 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 22, 2009.

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

-----x  
In the Matter of the Application of  
Nur Ashki Jerrahi Community,  
Petitioner-Respondent/Appellant,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

New York City Loft Board,  
Respondent-Appellant/Respondent,

M-5272  
Index No. 108599/08

-and-

Patricia Thornley,  
Respondent-Appellant/Respondent.

-----x  
Respondent New York City Loft Board having taken an appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 30, 2008,

And petitioner having taken an appeal from the order of the Supreme Court entered on or about August, 21, 2009,

And respondent Patricia Thornley haven taken an appeal from the aforesaid order of Supreme Court entered on or about August 21, 2009,

And respondent New York City Loft having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) entered on or about December 30, 2008 and for consolidation of the aforesaid appeal with the appeals taken from the order of Supreme Court entered on or about August 21, 2009,

(M-5272)

-2-

December 22, 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 and the Clerk is directed to calendar the appeals for hearing together in the June 2010 Term for which term the respective appellants are directed to so perfect.

ENTER:

  
DEPUTY 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 22, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Jacob S.,

M-4774

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D2792/09

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeal from the orders of the Family Court, Bronx County, entered on or about June 15, 2009 and on or about August 18, 2009, respectively, 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, Michael S. Bromberg, Esq., 44 Hampton Street, Sag Harbor, NY 11963, Telephone No. (631) 725-0641, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;<sup>1</sup> within 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:

  
DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 22, 2009.

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

-----X  
Michael Lemle, Individually and as a  
Shareholder of 132 West 31<sup>st</sup> Street  
Realty Corp., suing in the name of  
132 West 31<sup>st</sup> Street Realty Corp.,  
Plaintiff-Appellant,

-against-

M-5193  
Index No. 601281/07

Florence Lemle, 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 January 20, 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:

  
DEPUTY 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 22, 2009.

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

-----X  
1251 Americas Associates, II, L.P.,  
formerly known as 1251 Americas  
Associates, L.P.,  
Petitioner-Appellant,

-against-

M-3366  
Index No. 570075/06

Rock 49<sup>th</sup> Restaurant Corp., doing business  
as City Lobster & Crab Co., et al.,  
Respondents-Respondents.  
-----X

Petitioner-appellant 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 27, 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:

  
DEPUTY CLERK  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 22, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4046  
Ind. No. 6126/05

Barry M. Coppin  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 16, 2008 (Appeal No. 4268), unanimously modifying a judgment of the Supreme Court, New York County (Charles Tejada, J.), rendered on October 11, 2006,

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

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

It is ordered that said application is denied.

ENTER:

  
DEPUTY 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 22, 2009.

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

-----X  
Gail Penceal-Cruse and Otis Cruse,  
Plaintiffs-Appellants,

-against-

M-4956  
Index No. 114665/04

Stanley T. West, M.D., F.A.C.O.G.  
and St. Vincent's Medical Center,  
Defendants-Respondents.

-----X

An appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about December 17, 2008 (mot. seq. no. 002),

And defendant-respondent West having moved for dismissal of the appeal upon plaintiff's failure to prosecute,

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:

  
DEPUTY 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 22, 2009.

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

-----X  
In the matter of the Application of  
Café Dardania, Inc.,  
Petitioner,

For a Judgment, etc.,

M-4942  
Index No. 260623/09

-against-

New York State Liquor Authority,  
Respondent.  
-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about October 21, 2009,

And petitioner having moved for a stay, pending hearing and determination of the aforesaid proceeding,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Eileen J. Potash, Esq., counsel for petitioner, dated November 10, 2009, and due deliberation having been had thereon, it is

Ordered that the motion and proceeding are deemed withdrawn in accordance with the aforementioned correspondence.

ENTER

  
DEPUTY 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 22, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
In re  
Jasmine B., Shaniya B., Khiry B.,

Children Under the Age of Eighteen Years,  
etc.,

Derrick B.,  
Respondent-Appellant.

M-5050  
Docket Nos. NN-15601/06  
NN-14764-5/06

Administration for Children's Services,  
Petitioner-Respondent.

-----X  
Respondent-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 6, 2009 (Appeal No. 1110-1110A),

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

  
DEPUTY 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 22, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Louis J. Baldwin,  
Plaintiff-Appellant-Respondent,

-against-

M-4979  
Index No. 14993/04

Cablevision Systems Corp.,  
Defendant-Respondent-Appellant.  
-----X

Defendant-respondent-appellant Cablevision Systems, Corp. having moved for reargument of the decision and order of this Court entered on September 29, 2009 (Appeal No. 4567),

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:

  
DEPUTY 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 22, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John T. Buckley  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Life Receivables Trust,  
Plaintiff-Appellant,

-against-

Goshawk Syndicate 102 at Lloyd's,  
Defendant-Respondent,

M-5179  
Index No. 601244/08

Life Settlement Corporation, doing  
business as Peach Tree Life,  
Settlements,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or leave to appeal to the Court of Appeals from, the decision and order of this Court entered on October 13, 2009 (Appeal No. 194N),

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, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 affirmed 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.

ENTER:

  
DEPUTY CLERK  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 22, 2009.

Present: Hon. David Friedman, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Maximilian Y.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-4350  
Docket No. D702/09

Respondent-Appellant.  
-----X

Respondent-appellant father, Martin Y., having moved for leave to prosecute the appeal from an order of the Family Court, New York County, entered on or about May 18, 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, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;<sup>1</sup> within 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:  
  
DEPUTY CLERK

---

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

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

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

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

M-5003  
Ind. No. 4686/03

-against-

CERTIFICATE  
GRANTING LEAVE

Mark Davis,  
Defendant-Appellant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about September 30, 2009.<sup>1</sup>

Dated: December 14, 2009  
New York, New York

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

ENTERED DEC 22 2009

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

---

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

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

M-5556  
Ind. No. 3418/04

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Omar Montes

Defendant.

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

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

  
\_\_\_\_\_  
Justice of the Appellate Division

Dated: December 14, 2009  
New York, New York

ENTERED: 

\*Description of Order:

Supreme Court, New York County, entered on May 10, 2006  
App. Div., First Dept., Appeal No. 534, Affd on November 24, 2009

---

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

**PM ORDERS**

**ENTERED**

**DECEMBER 17, 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 17, 2009.

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

-----X  
Palestine Monetary Authority,  
Plaintiff-Counterclaim Defendant-  
Appellant,

-against-

David Strachman, as Administrator  
of the Estate of Yaron Ungar, et al.,  
Defendants-Counterclaim Plaintiffs-  
Respondents.

M-5181  
M-5313  
M-5406  
Index No. 107777/05

-----X  
The Estate of Yaron Ungar by and through  
the Administrator of his Estate,  
David Strachman, et al.,  
Plaintiffs-Judgment  
Creditors-Respondents,

-against-

Index No. 105521/05

The Palestinian Authority, et al.,  
Defendants-Judgment Debtors.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 31, 2009 and from the judgment of said Court, entered on or about April 1, 2009, respectively,

And defendants-counterclaim plaintiffs-respondents having moved for leave to file a supplemental record on appeal consisting of excerpts of the record on appeal and the appellant's brief from the previous appeal in this matter, and related relief (M-5181),

And plaintiff-counterclaim defendant-appellant Palestine Monetary Authority having cross-moved to supplement the record on appeal with two documents annexed to the moving papers as Exhibits A and B respectively (M-5313),

And defendants-counterclaim plaintiffs-respondents having moved to strike Part II of the reply brief filed by the Palestine Monetary Authority (M-5406),

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 the motion and cross motion to supplement the record on appeal are granted (M-5181/M-5313). Defendants-counterclaim plaintiffs-respondents' motions to strike Part II of Palestine Monetary Authority's reply brief is denied without prejudice to addressing the issue upon argument of the appeal (M-5406).

ENTER:

  
clerk  
DEPUTY 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 17, 2009.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----x  
The Jay Goldman Master Limited  
Partnership,  
Plaintiff-Appellant,

-against-

M-5345  
Index No. 102305/09

53<sup>rd</sup> Street and Madison Tower  
Development LLC,  
Defendant-Respondent.  
-----x

An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, New York County, entered on or about November 13, 2009 (mot. seq. no. 001), which, inter alia, granted plaintiff a conditional Yellowstone injunction,

And plaintiff having moved, pursuant to 5519(c), for a stay of enforcement of the aforesaid order of Supreme Court pending hearing and determination of 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 continuing the interim relief granted by an order of a Justice of this Court dated November 23, 2009, on condition that appellant, within 15 days of the date of entry hereof, posts an undertaking in the amount of \$132,729.17. Upon appellant's failure to post the undertaking, respondent may move, on three days notice, to vacate the stay.

ENTER:

  
DEPUTY 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 17, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x  
Timothy Lumley,

Plaintiff,

-against-

M-5487  
Index No. 109730/05

The Trustees of Columbia University  
in the City of New York,

Defendant.  
-----x

Defendant 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 December 2, 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  
DEPUTY 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 17, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Alejandro Santiago, Gretchen Rosario  
and Yvette Lopez,  
Plaintiffs-Respondents,

-against-

M-5287  
Index No. 7705/07

Omar Bhuiyan and Fils Jean-Philippe,  
Defendants-Appellants,

-and-

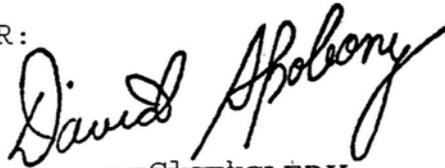
Edward M. Lopez and Pentecostal  
Church Freed by Jesus Christ,  
Defendants-Respondents.

-----X  
Defendants-appellants 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 August 19, 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, and the interim relief granted by an order of a Justice of this Court, dated November 18, 2009, is hereby vacated.

ENTER:



DEPUTY 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 17, 2009.

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

-----x  
Roni LLC, et al.,

Plaintiffs-Respondents,

-against-

M-5495  
Index No. 601224/07

Rachel L. Arfa, et al.,

Defendants-Appellants.  
-----x

Defendants-appellants Rachel L. Arfa, Alexander Shpigel and American Elite Properties, Inc. having moved, pursuant to CPLR 5519(c), for a stay of all proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about April 17, 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:

  
DEPUTY CLERK