

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 June 9, 2009.

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

-----X
Jossie R. Lopez,
Plaintiff-Respondent,

-against-

M-2456X
Index No. 6352/06

Stephanie R. Bernik, M.D., sued herein
as Stephanie Bernik,
Defendant-Appellant,

St. Vincent Catholic Medical
Centers, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 4, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 20, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

-----X
Third Eye Productions, LLC.,

Plaintiff-Respondent,

-against-

M-2459X
Index No. 602523/08

Martin Malanoski, et al.,

Defendants-Appellants.

-----X
[And another action]
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 21, 2008 (mot. seq. nos. 001 and 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 22, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

-----X
Nancy Yjoe,
Plaintiff-Respondent,

-against-

M-2460X
Index No. 111406/07

Manhattan and Bronx Surface
Transit Operating Authority and
New York City Transit Authority,
Defendants-Appellants,

City of New York,
Defendant,

110-112 Third Avenue Realty Corp.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 10, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 22, 2009, and due deliberation having been had thereon,

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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-2301
Ind. No. 5810/07

Ledarrius Wright,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 16, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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-2303
Case No. 17282C/09
Ind. No. 1219/09

Enrique Oliva,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 30, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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,
Respondent,

-against-

M-2304
Ind. No. 348/08

Donté Harris, also known as
Donté L. Harris,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

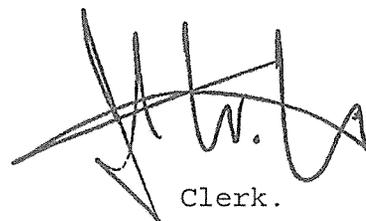
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

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

-against-

M-2306
Ind. No. 4076/08

Kip Mobley,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 20, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

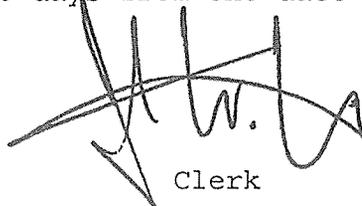
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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-2308
Ind. No. 432/08

Kazmel Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 14, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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,
Respondent,

-against-

M-2310
Ind. No. 664/08

Anthony Lindsey,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

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

-against-

M-2313
Ind. No. 432/08

Tony William, also known as Tony
Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 14, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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-2314
Ind. No. 5235/07

Troy Manning,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

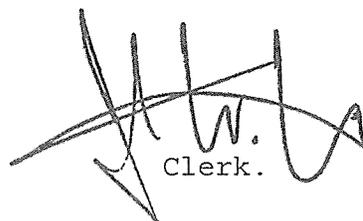
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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,
Respondent,

-against-

M-2315
Ind. No. 2551/08

Cory Johnson, also known as
Cory Christopher,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 10, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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,
Respondent,

-against-

M-2319
Ind. No. 474/08

Nelson Francois, also known as
Francois Nelson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 23, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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-2320
Ind. No. 4208/08

Clarence Purnell,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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,
Respondent,

-against-

M-2325
Ind. No. 2067/07

Robert Williams, also known as
Robert Alonzo Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 24, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

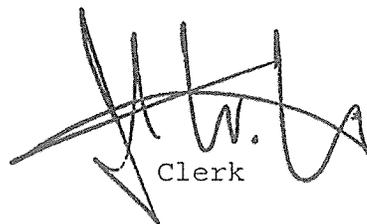
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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-2348
Ind. No. 4927N/07

Victor Mendez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 23, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

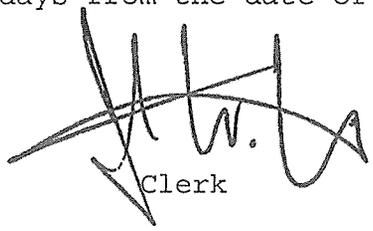
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 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-2353
Ind. No. 4232/00

Michael Cagle,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 16, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
John T. Buckley
Dianne T. Renwick, Justices.

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

-against-

M-2224
Ind. No. 4944/07

Leonel Cerda,
Defendant-Appellant.
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

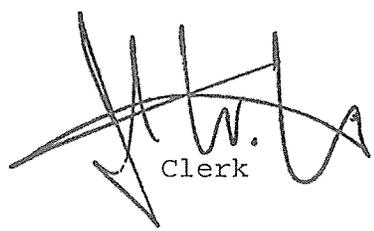
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2064
Ind. No. 2066/07

Ernesto Abreu,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 6, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for permission 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 seeking poor person relief is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006, Tel. No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

The portion of the motion seeking permission to file a pro se supplemental brief is denied as premature.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

-----X
Richard Rowell,
Plaintiff-Appellant,

For a Judgment, etc.,
-against-

M-2126
Index No. 400552/08

D. Lashley and State Division of
Human Rights,
Defendants-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 August 4, 2008,

And an order of this Court having been entered on March 12, 2009 (M-701), denying plaintiff's motion for poor person relief; and an order of this Court having been entered on April 14, 2009 (M-1298), denying plaintiff's renewed motion for poor person relief,

And plaintiff having again renewed his motion for poor person relief,

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

Ordered that plaintiff's motion is deemed to be a motion to reargue the aforementioned orders of this Court (M-701 and M-1298) and as such the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding
David Friedman
Eugene Nardelli
John T. Buckley
Sheila Abdus-Salaam, Justices.

-----X
Nicole Tausend, a limited partner
of N.J.R. Associates,
Petitioner-Appellant,

-against-

M-2264
Index No. 602926/08

N.J.R. Associates, a New York limited
partnership, Ronald Tausend, the
Managing General Partner of N.J.R.
Associates and Jeffrey Tausend, a
limited partner of N.J.R. Associates,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 30, 2009 (mot. seq. no. 001),

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated May 18, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

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 June 9, 2009.

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

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

-against-

M-1981
Case No. 1297C/05

David Martinez,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 5, 2008 (M-2510/[DC #62]), enlarging the time to perfect defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on May 5, 2006,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 dismissing the appeal because of appellant's death on August 1, 2008, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v Matteson*, 75 NY2d 745; *People v Mintz*, 20 NY2d 753, 770.)

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 June 9, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
First Republic Group Realty LLC,
et al.,
Plaintiffs-Appellants,

-against-

M-2128
Index No. 601743/08

Citigroup Global Markets Realty Corp.,
Defendant-Respondent.

-----X
[And another action]
-----X

Defendant-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about March 9, 2009 (mot. seq. no. 007),

Now, upon reading and filing the papers with respect to the motion, the stipulation by the respective parties dated May 7, 2009, and due deliberation having been had thereon, it is

Ordered that the motion is granted unless appellants perfect the appeal on or before July 13, 2009 for the September 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, in accordance with the stipulation. (See M-2300, decided simultaneously herewith.)

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
First Republic Group Realty LLC,
et al.,
Plaintiffs-Appellants,

-against-

M-2300
Index No. 601743/08

Citigroup Global Markets Realty Corp.,
Defendant-Respondent.

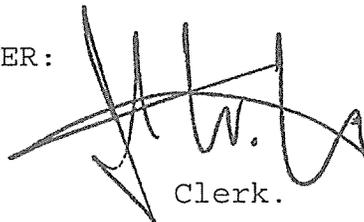
-----X
[And another action]
-----X

Plaintiffs-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 9, 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 May 12, 2009, is hereby vacated. (See M-2128, 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 June 9, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Hilda Rodriguez, as mother and
natural guardian of Anthony Cuevas,
infant,
Plaintiff-Respondent,

-against-

M-2354
Index No. 16856/06

Joshua Waldman and Associates for
Women's Care,
Defendants-Appellants,

Samuel Oberlander, Kay Anderson,
Jordon Hirsch and Montefiore
Medical Center,
Defendants.

-----X

Defendants-appellants Joshua Waldman and Associates for Women's Care having moved for a stay of trial pending hearing and determination of their appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 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.

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 June 9, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x
In the Matter of a Proceeding for
Support under the Family Court Act
Articles 4 and 5-B.

Saragh Ann K., etc., M-2235
Petitioner-Respondent, Docket No. U7803/06

-against-

Armando Charles C., etc.,
Respondent-Appellant.

-----x
Respondent-appellant having moved, pursuant to CPLR 5519(c), for a stay of the order of the Family Court, Bronx County, entered on or about October 27, 2008, pending hearing and determination of the appeal taken therefrom,

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 June 9, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of

Maximilian Y.,

A Person Alleged to be a Juvenile
Delinquent,

M-2059
Docket No. D702/09

Respondent-Appellant.
-----X

Naomi G., a person legally responsible for respondent-appellant's care pursuant to section 341.2 of the Family Court Act, having moved on respondent-appellant's behalf for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about April 17, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

It is ordered that the motion is denied, with leave to renew, upon submission of copies of movant's federal income tax returns for the years 2007 and 2008.

E N T E R :


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
The People of the State of New York
ex rel. Kalu Ndukwe,
Petitioner-Appellant,

-against-

M-2000
Index No. 400333/09

Warden, New York State Division
of Parole,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about March 11, 2009, which dismissed a habeas corpus proceeding; for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for assignment of counsel and for leave to appeal to the Court of 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 permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the District Attorney of said county and file ten reproduced copies of such brief, together with the original record, with this Court.

So much of the motion which seeks the assignment of counsel to perfect the appeal is denied, as is petitioner's application for leave to appeal to the Court of 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 June 9, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Richard Rosenbaum,

Plaintiff-Respondent-Appellant,

-against-

M-1895
Index No. 101693/07

Atlas & Design Contractors, Inc.,

Defendant-Appellant-Respondent.
-----X

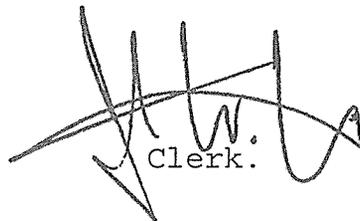
An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 17, 2008,

And defendant 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 to the September 2009 Term the time of the respective parties in which to perfect the appeal and cross appeal.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

-----X
Yuko Yamamoto,

Plaintiff-Respondent-Appellant,

-against-

Carled Cab Corp., et al.,

Defendants-Appellants-Respondents.
-----X

M-2068
M-2178
Index No. 114653/04

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 8, 2008,

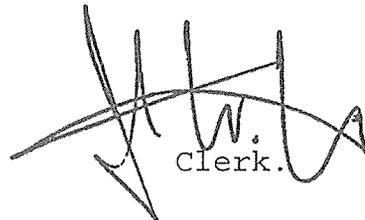
And defendants having moved for an enlargement of time in which to perfect the direct appeal (M-2068),

And plaintiffs having cross-moved for an enlargement of time in which to perfect the cross appeal (M-2178),

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 to the extent of enlarging to the September 2009 Term the time of the respective parties in which to perfect the appeal and cross appeal.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Andrzej Malmon and Theresa Malmon,
Plaintiffs,

-against-

M-2036
Index No. 106213/05

East 84th St. Apartments Corp.,
Concord Restoration Inc. and
Halstead Management Company, LLC.,
Defendants.

-----X
Concord Restoration, Inc.,
Third-Party Plaintiff-Respondent,

-and-

Liberty International as subrogee of
Concord Restoration, Inc.,
Third-Party Plaintiff,

-against-

Marble Unique, Corp. and Hartford
Insurance Company of the Midwest,
Third-Party Defendants-Appellants,

Index No. 590229/06

-and-

Hi-Tech Restoration, LLC and
Scottsdale Insurance Company,
Third-Party Defendants.

-----X
East 84th St. Apartments Corp. and
Halstead Management Company, LLC,
Second Third-Party Plaintiffs,

-against-

Index No. 590656/06

Marble Unique Corp. and Hi-Tech
Restoration, LLC,
Second Third-Party Defendants.

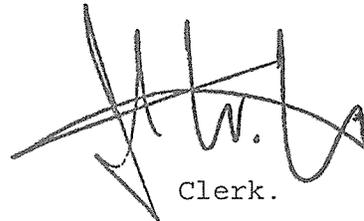
-----X

Third-party defendants, Marble Unique and Hartford Insurance Company of the Midwest, having moved for a stay of all proceedings, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 22, 2008 (mot. seq. no. 006),

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 June 9, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

Nikos Kontos, also known as
John Doe,
Defendant-Appellant.

M-2010
Ind. Nos. 487/07
1919/07
3771/07

-----X

An order of this Court having been entered on January 29, 2009 (M-25), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 13, 2008, under Indictment No. 487/07, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment Nos. 1919/07 and 3771/07,

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 amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 1919/07 and 3771/07, and the poor person relief previously granted is extended to cover same.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. McGuire
Karla Moskowitz, Justices.

-----X
In the Matter of the Commitment of the Guardianship and Custody of

Al M. S., also known as
Alex S., Jr.;
Gloria M. S., and
John William M., III,

M-1899
Docket Nos. B-27245/05
B-27246/05
B-27247/05

Dependent Children Under the Age of 18 Years Pursuant to §384-b of the Social Services Law of the State of New York.

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

Leilani C.,
Respondent-Appellant.

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

-----X
An order of this Court having been entered January 8, 2009 (M-5429) denying, with leave to renew, petitioner-respondent agency's motion to dismiss the appeal taken by Leilani C. from the orders of the Family Court, Bronx County, entered on or about April 30, 2008,

And petitioner-respondent agency having renewed said motion,

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 June 9, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John T. Buckley
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Commissioner of Social Services
on behalf of James B.,
Petitioner-Respondent,

M-2011
Docket No. F11205-96/08G

-against-

Reynard B.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Family Court, New York County, entered on or about October 17, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Family Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available thereof. Appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts. So much of the motion which seeks the assignment of counsel to prosecute the appeal is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

PRESENT - Hon: Richard T. Andrias, Justice Presiding,
John T. Buckley
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
April DeQuito,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,
-against-

M-1905
M-2256
Index No. 113480/07

The New School for General Studies,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about July 1, 2008 (M-1905),

And respondent-respondent having cross-moved to dismiss the appeal (M-2256),

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before July 13, 2009 for the September 2009 Term. The cross motion to dismiss the appeal is granted unless appellant perfects the appeal for said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days from the date of entry hereof.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John T. Buckley
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Hudson Insurance Company, et al.,
Plaintiffs-Appellants,

-against-

M-2312
Index No. 604411/05

M.J. Oppenheim in his quality as
Attorney in Fact in Canada, for
Lloyd's Underwriters, Members of
Lloyd's, London, England,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about June 27, 2008 (mot. seq. no. 007),

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal to the October 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----x
Jillian Tyler,
Plaintiff-Respondent,

-against-

Dewey's Incorporated, doing business as M-2389
Dewey's Flatiron, Index No. 117213/06
Defendant-Appellant,

-and-

Edward Dobres, et al.,
Defendants.

-----x
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 6, 2009, and said appeal having been perfected,

And defendant-appellant 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 June 9, 2009.

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

-----X
Chih-Chieh Kao, also known as Kathy
Kao,

Plaintiff-Appellant,

-against-

M-2218 & M-2291
Index No. 603689/07

Wog Real Estate, LLC, Akira Shimada
and Yuh Lan Hwu,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 3, 2008 (mot. seq. no. 001), and said appeal having been perfected,

And defendant Wog Real Estate, LLC having moved for an order striking plaintiff-appellant's appendix and brief and to dismiss said appeal unless plaintiff serves and files a proper appendix and brief, and for other relief (M-2218),

And defendants, Akira Shimada and Yuh Lan Hwu, having jointly cross-moved for the same relief (M-2291),

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 to the extent of striking plaintiff's appendix and brief from the Court's September 2009 calendar with leave granted to plaintiff to re-file an appendix and brief in compliance with CPLR 5528(a) within 30 days of the date hereof and with leave granted to defendants to move on notice to dismiss the appeal and seek costs of their respective motions should plaintiff fail to so perfect. The Clerk is directed to accept the filing without further fee.

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 June 9, 2009.

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

-----X
In the Matter of the Estate of

William Gottlieb
Deceased,

File No. 4037/99

Irving Bender and Neil Bender,
Petitioners-Respondents,

Cheryl I. Dier,
Objector-Appellant,

Michael Corbett,
Objector-Appellant.

M-1782 & M-2202

-----X
In the Matter of Probate Proceeding,

Will of

Mollie Bender
Deceased,

File No. 2497/07

Irving Bender and Neil Bender,
Petitioners-Respondents,

Michael Corbett,
Objector-Appellant.

-----X

Petitioners-respondents in the above-captioned proceedings having moved to dismiss the perfected appeals taken by objector-appellant Michael Corbett from the decree of the Surrogate Court, New York County, entered on or about March 13, 2008 and the order of said Surrogate Court entered on or about March 19, 2008, or for alternative relief (M-1782),

And objector-appellant Cheryl I. Dier having moved for an enlargement of time in which to perfect her appeal taken from the aforesaid decree and order of the Surrogate [File No. 4037/99] (M-2202),

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

It is ordered that the motion by respondents [M-1782] is granted to the extent of directing objector-appellant Michael Corbett to file 10 copies of a supplemental appendix within 10 days of the date hereof, which shall include copies of the documents annexed to respondents' May 13, 2009 memorandum of law. The motion is otherwise denied, without prejudice to addressing additional issues with respect to appellant's appendix on the appeal and/or the filing of a respondents' appendix and seeking costs on the appeal, and it is further

Ordered that motion [M-2202] is granted only to the extent of enlarging to the September 2009 Term the time of objector-appellant Dier to perfect her appeal, with no further enlargements to be granted. 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 10 days after the date of entry hereof.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

-----X
Davin Dessasore,

Plaintiff-Respondent-Appellant,

-against-

M-2396
Index No. 16097/04

The New York City Housing Authority,

Defendant-Appellant-Respondent.
-----X

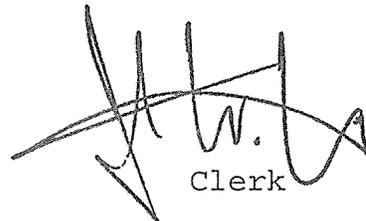
An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 20, 2009,

And defendant New York City Housing Authority having moved for a stay of trial herein pending hearing and determination of the appeal and cross appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk

PM ORDERS

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

-----X
James Post,
Plaintiff-Appellant,

-against-

Todd Killian, William Craig, Albert
Afalo, Raphael Sassouni, 338 West 19th
Street Incorporated and All Area
Property Management,
Defendants-Respondents.

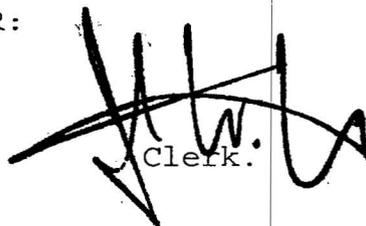
M-2340
Index No. 100008/08

-----X
Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 3, 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 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 June 9, 2009.

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

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

M-956
M-1532

Donna R.,
Petitioner,

-against-

Proceeding No. 1
Docket Nos. G-100004-5/08
V-14202-03/08

Robin R.,
Respondent.

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

Donna R.,
Petitioner,

-against-

Proceeding No. 2
File No. 49310
Docket No. O-04050/09

Robin R.,
Respondent.

In the Matter of a Standby
Guardianship and Custody Proceeding
under Article 6 of the Family Court Act.

Donna R.,
Petitioner,

-against-

Proceeding No. 3
Docket Nos. V-14202-03/08
G-100004-5/08

Robin R.,
Respondent.

Karen Freedman, Esq., Lawyers for
Children, Inc.,
Law Guardian for the Children.
-----x

Respondent in the above-captioned proceedings, R., having moved for leave to appeal to this Court from the orders of the Family Court, New York County, entered on or about December 23, 2008, Directing Examination (Proceeding No. 1); January 23, 2009, Temporary Order of Protection (Proceeding No. 2); and February 17, 2009, and Supplemental Findings February 17, 2009 (Proceedings Nos. 1 and 3); and pending hearing and determination of the proposed appeals, a stay of enforcement of all said orders and further proceedings in Family Court (M-956),

And respondent Robin R. having moved for leave to appeal to this Court from the order of the Family Court, New York County, entered on or about March 3, 2009, Temporary Order of Custody (Proceeding No. 1), for a stay of enforcement of said order of Temporary Custody, and for related relief (M-1532),

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

It is ordered that leave to appeal from the order of Family Court, New York County, entered on or about December 28, 2008 is denied; leave to appeal from the order of said Court entered on or about January 23, 2009 is denied, as moot; and leave to appeal from the order of said Court entered on or about February 17, 2009 is denied. So much of the motion which seeks to stay enforcement of the aforesaid orders and stay further proceedings in Family Court pending hearing and determination of the proposed appeals is denied, as moot (M-956), and it is further,

Ordered that leave to appeal from the order of Family Court entered on or about March 3, 2009 is denied, and so much of the motion which seeks a stay of enforcement is denied, as moot (M-1532).

The interim relief afforded respondent by the order of a Justice of this Court on February 24, 2009, is herewith vacated. (See M-1593, 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 June 9, 2009.

PRESENT: Hon. Richard T. Andrias,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman,

Justice Presiding,

Justices.

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

Iris R.,
Petitioner-Respondent,

M-2445

Docket Nos. V26895/04/06 A&B

-against-

Jose R.,
Respondent,

Lisa R.,
Respondent-Appellant.

-----X
Respondent-appellant mother, having moved for an enlargement of time in which to perfect her appeal from an order of the Family Court, Bronx County, entered on or about November 8, 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 denied, with leave to renew, upon submission of an affidavit from respondent-appellant mother, within 10 days of the date hereof, asserting respondent's desire to pursue the aforesaid appeal and detailing her efforts to ascertain the status of the appeal since the filing of the notice of appeal from the aforesaid order of Family Court.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2009.

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

-----x
In the Matter of the Application of
Robin R.,
Petitioner,

For a Judgment in the Nature of
Prohibition, pursuant to Article 78
of the CPLR,

M-1593
Index No. 104125/09
Docket Nos. V-14202/08
V-14203/08

-against-

Hon. Jane Pearl and Donna R.,
Respondents.

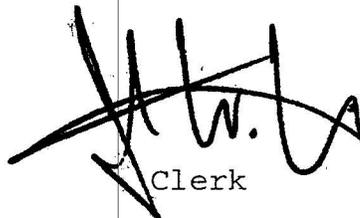
-----x

Petitioner having moved this Court, pursuant to CPLR 5704(a), for omnibus relief against Hon. Jane Pearl, a Judge of the Family Court, New York County, with respect to an order of temporary custody of said Court entered on or about March 3, 2009, said relief having been denied by said Family Court Judge on or about March 30, 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. (See M-956 and M-1532, decided simultaneously herewith.)

ENTER:


Clerk