

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 18, 2009.

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

-----X
Lexington Insurance Company, as
subrogee of Flatiron Leasing
Partners, LLC and all other
Insured under policy number 7478058,
Plaintiffs-Respondents,

-against-

M-2621X
Index No. 104496/07

C&K Taxi Inc.,
Defendant-Appellant,

Alashkar S. Kundlas,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 2, 2008 (mot. seq. no. 001),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2009.

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

-----X
Donald Hong, et al.,
Petitioners-Respondents,

-against-

M-2622X
Index No. 101607/08

384 Grand Street Housing Development
Fund Company, Inc., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 20, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 3, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2009.

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

-----X
Monesha Robinson,
Plaintiff-Respondent,

-against-

M-2632X
Index No. 105494/07

Janel Management Corporation and
KLCH Associates, LLC,
Defendants-Appellants.

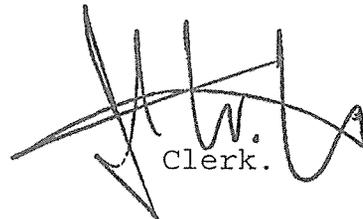
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 2, 2009 (mot. seq. no. 001),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2009.

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

-----X
Lydia Pernesiglio,
Plaintiff-Respondent,

-against-

M-2665X
Index No. 14354/05

Mr. Deli, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 16, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 4, 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 18, 2009.

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

-----X
Edward Munsch,
Plaintiff-Respondent,

-against-

M-2670
Index No. 104718/06

205-209 East 57th Street Associates LLC,
et al.,
Defendants-Respondents,

Five Star Electric Corp.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 13, 2009 (mot. seq. no. 002),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2009.

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

-----X
Paul R. Schimmel, Paul Schimmel Profit
Sharing Plan, David H. Mack, Alta California
Partners III, L.P., Alta Embarcadero Partners
III, LLC, John Parrish, Paul Glidden as
Trustee of the Glidden Family Revocable
Trust, Karla Ewalt, Cynthia P. Dugan,
Peter L. Dugan, Craig L. Grosvenor, Trustee M-868
FBO Craig L. Grosvenor Trust dated 8/25/89, M-2646
Christine W. Parrish, Phyllis D. Parrish, Index No. 600173/08
John Parrish as Trustee of The Parrish Family
Trust, Katherine Schimmel-Baki, K. Leah Schimel,
Erik J. Sorensen, Jamie Williamson, Alison Bates,
Rebecca Alexander, Kathleen T. Mulligan, Tom
Juros, Sinclair DeBordenave and Francella Otero,
Plaintiffs-Respondents,

-against-

Pfizer Inc.,
Defendant-Appellant.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 28, 2008 (mot. seq. no. 003),

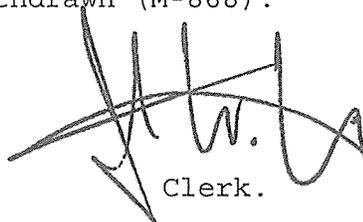
And plaintiffs-respondents having moved to dismiss the aforesaid appeal (M-868),

And defendant-appellant having moved to withdraw the appeal (M-2646),

Now, upon reading and filing the papers with respect to the motions, and upon reading and filing the stipulation of the parties hereto, dated June 4, 2009, and due deliberation having been had thereon,

It is ordered that the motion to withdraw the appeal is granted in accordance with the aforesaid stipulation (M-2646) and the motion to dismiss the appeal is deemed withdrawn (M-868).

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 18, 2009.

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

-----X
James Brengel,
Plaintiff-Respondent,

-against-

M-2538
Index No. 106795/05

Park Ave Plaza Company and Plaza Construction Corporation,
Defendants-Respondents,

Delta Sheet Metal,
Defendant-Respondent,

The Fisher Park Avenue Company, Clipper Holdings, Inc. and Anidol U.S. Inc.,
Defendants.

-----X
Park Ave Plaza Company and Plaza Construction Corporation,
Third-Party Plaintiffs-Respondents,

The Fisher Park Avenue Company,
Third-Party Plaintiff,

Third-Party
Index No. 590818/05

-against-

P.E. Stone, Inc.,
Third-Party Defendant-Respondent.

-----X
Park Ave Plaza Company and Plaza Construction Corporation,
Second Third-Party Plaintiffs-Respondents,

The Fisher Park Avenue Company,
Second Third-Party Plaintiff,

Second Third-Party
Index No. 591100/06

-against-

P.J. Air Conditioning Corp. and P.J. Mechanical Corp.,
Second Third-Party Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 22, 2009 (mot. seq. no. 006),

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

Now, upon reading and filing the papers with respect to the motion, the correspondence of Rafter and Associates PLLC, Howard K. Fishman, Esq., dated June 4, 2009, and due deliberation having been had thereon,

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

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 18, 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-2648
Case No. 16248C/05

Francisco Martinez,

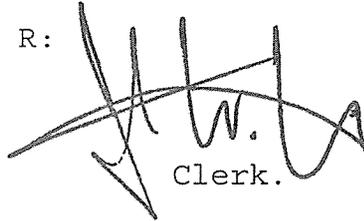
Defendant-Appellant.
-----X

An order of this Court having been entered on December 16, 2008 (M-5453) assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 21, 2008,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 18, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Charles Udoh,
Plaintiff-Appellant,

-against-

Inwood Gardens, Inc., et al., M-2403
Respondents-Respondents. Index. No. 126690/02

-----X

An order of this Court having been entered on March 3, 2009 (M-406), denying, with leave to renew, plaintiff's motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 19, 2008 (mot. seq. no. 005),

And an order of this Court having been entered on May 7, 2009 (M-1546) denying plaintiff's renewed motion for the aforesaid relief,

And plaintiff-appellant having again renewed the aforesaid motion, and for an enlargement of time in which to perfect the 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 only to the extent of enlarging the time in which to perfect the appeal on or before August 10, 2009 for the October 2009 Term, with no further enlargements to be granted. The motion is otherwise 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 18, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
Henry Reyes, an infant by his
mother and natural guardian,
Lesley Echevarria Ortiz and
Lesley Echevarria Ortiz,
Individually,
Plaintiffs-Appellants,

-against-

M-2463
Index No. 6407/04

2328 Uniave Corp., et al.,
Defendants,

St. Barnabas Hospital,
Defendant-Respondent.

-----X
[And a third-party action]
-----X

Index No. 84750/05

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about August 11, 2008,

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

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

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 18, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

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

Jasmine Mae K., also known as
Jasmine C.,

M-1945
Docket No. B-9061/05

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

- - - - -
The Children's Aid Society,
Petitioner-Respondent,

Jacqueline I.C.,
Respondent-Appellant.

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

Petitioner-respondent having renewed their motion for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about October 30, 2008,

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

It is ordered that the motion is granted 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 18, 2009.

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

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

-against-

M-2324
Ind. No. 1347/07

Mark Howard,
Defendant-Appellant.

-----X

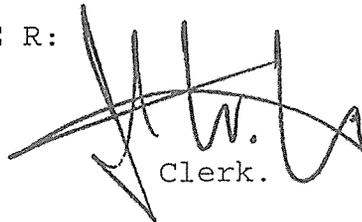
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 11, 2007,

And defendant's counsel Richard M. Greenberg, Esq. having moved for dismissal of the appeal or, for alternative 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 deeming the appeal withdrawn.

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 18, 2009.

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

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

Cooper K.W. R., M-2474
Petitioner-Respondent, Docket Nos. V-23782-04/06C
-against- V-23782-04/06D
V-23782-04/07F
V-25099-04/07C
Linda R.,
Respondent-Appellant.

-----X
Respondent-appellant 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 May 6, 2009, for assignment of counsel, a free copy of the transcript, and for related relief, including a stay of enforcement of the aforesaid order of Family Court,

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

It is ordered that the motion, to the extent it seeks poor person relief, is denied. The motion, to the extent it seeks a stay, is denied as moot, said relief having been denied by an order of a Justice of this Court on May 26, 2009. (F.C.A. § 1114 [b]).

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 18, 2009.

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

-----x
In the Matter of the Application of
Mehendra Dhanraj,
Petitioner-Appellant,

For a Judgment Pursuant to Article
78 of the CPLR,

M-2368
Index No. 401341/08

-against-

The New York City Police Department,
Respondent-Respondent.
-----x

An order of this Court having been entered on April 9, 2009 [Corrected Order April 28, 2009] (M-1173), inter alia, denying petitioner leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 19, 2008 (mot. seq. no. 001),

And petitioner having moved for reargument of the aforesaid order of this Court [M-1173],

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 18, 2009.

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

-----X
Haydee Garcia-Martinez,
Plaintiff-Appellant,

-against-

M-1928
Index No. 101469/05

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

1873 Amsterdam Realty Corp.,
Defendant-Appellant.

-----X

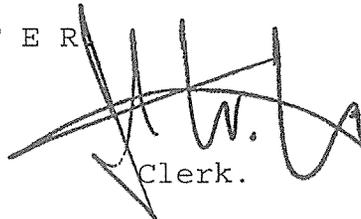
Separate appeals having been taken by plaintiff-appellant Haydee Garcia-Martinez and defendant-appellant 1873 Amsterdam Realty Corp. from the order of the Supreme Court, New York County, entered on or about June 18, 2008 (mot. seq. no. 001),

And plaintiff-appellant having moved for an enlargement of time in which to perfect her 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 time of the appellants, in which to perfect the appeals, is enlarged to the October 2009 Term. Sua sponte, the appeals are consolidated and appellants are granted leave to perfect upon 10 copies of a joint record and 10 copies of the respective appellants' points.

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 18, 2009.

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

-----X
Echostar Satellite, L.L.C.,
Plaintiff-Appellant,

-against-

M-2399
Index No. 600282/08

ESPN, Inc., ESPN Classic, Inc.,
ABC Cable Networks Group, Soapnet
L.L.C., and International Family
Entertainment, Inc.,
Defendants-Respondents.

-----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 April 21, 2009 (mot. seq. no. 003),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on June 18, 2009.

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

-----X
Caroline Acevedo, an infant over the age of 14 years, by her mother and natural guardian, Marianela Acevedo,
Plaintiff-Respondent,

-against-

M-2338
Index No. 29401/02

New York City Housing Authority,
Defendant-Appellant,

Gilston Electrical Contracting Corporation,
Defendant-Appellant,

Verizon New York Inc.,
Defendant.

-----X
(And a third-party action)
-----X

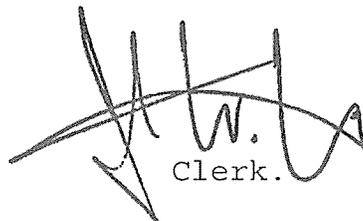
Appeals having been taken by the respective appellants from the order of the Supreme Court, Bronx County, entered on or about May 6, 2009,

And defendant-appellant, New York City Housing Authority, having moved, with the support of defendant-appellant, Gilston Electrical Contracting Corporation, to stay 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 and the interim relief granted by an order of a Justice of this Court dated May 14, 2009 is vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2009.

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

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

Allen Jerome W. and Tyric Robert W.,
Children under the Age of 18 Years
Pursuant to §384-b of the Social
Services Law of the State of New York.

M-1794
Docket Nos. B14266/06
B14267/06

The Salvation Army Social Services of
Greater New York, et al.,
Petitioners-Respondents,

Lelia M.,
Respondent-Appellant.

Nancy Dunbar, Esq.,
Lawyers For Children, Inc.,
Law Guardian for the Children.

-----X
An appeal having been taken from the order of the Family Court, New York County, entered on or about October 23, 2007,

And upon the Court's own motion to consider the need to issue an order directing the Family Court, New York County, to conduct proceedings to settle the record on appeal, it is

Ordered that the motion is granted to the extent of directing Family Court, New York County, to conduct a reconstruction hearing with respect to certain items enumerated in paragraph 3 of the affirmation of Philip C. Segal, Esq., dated May 18, 2009, and, sua sponte, enlarging appellant's time in which to perfect the aforesaid appeal to on or before August 10, 2009 for the October 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2009.

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

-----X
In the Matter of the Application of

Krista Martino,

Petitioner-Appellant,

M-2436
Index No. 402711/07

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

-against-

Southbridge Towers, Inc., et al.,

Respondents-Respondents.
-----X

Petitioner-appellant 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 January 14, 2008 (mot. seq. no. 001), for leave to serve the notice of appeal upon respondent New York State Division of Housing and Community Renewal pursuant to CPLR 5520[a] and for leave to serve an amended pre-argument statement,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as served upon respondent New York State Division of Housing and Community Renewal and permitting petitioner to serve and file an amended pre-argument statement within 10 days of this order, and enlarging the time in which to perfect the appeal to on or before September 8, 2009 for the November 2009 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that respondents serves a copy of this order upon appellants 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 18, 2009.

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

-----X
Joan McInerney,
Plaintiff-Respondent,

-against-

M-2001
File No. 2243/08

Michael J. McInerney,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from a decree of the Surrogate's Court, Bronx County, entered on or about March 31, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for assignment of counsel, and for other relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from respondent-appellant dated April 23, 2009, and due deliberation having been had thereon,

It is ordered that the motion and the appeal are deemed withdrawn.

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 18, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Federated Retail Holdings, Inc.,
et al.,

Plaintiffs-Respondents,

-against-

M-2448
Index No. 604104/06

Weatherley 39th Street, LLC, successor
to John S. Weatherley and Thomas A.
Weatherley, Jr., doing business as
Weatherley Realty,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 3, 2009 (mot. seq. nos. 003 and 004),

And defendant-appellant having moved for a stay of the aforesaid order, pending hearing and determination of the appeal, and for CPLR 5518 relief modifying a Yellowstone injunction granted by Supreme Court so as to require plaintiff-respondent Federated Retail Holdings, Inc. to post a \$1 million undertaking,

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 18, 2009.

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

-----X
Gateway Demolition Corp.,
Plaintiff-Appellant,

-against-

M-2572
Index No. 602131/04

Lumbermen's Mutual Casualty
Company, also known as Lumbermen's
Mutual Casualty Corporation,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 20, 2009 (mot. seq. no. 002),

And plaintiff-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 granted on condition the appeal is perfected on or before August 10, 2009 for 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 18, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
DDJ Management, LLC, et al.,
Plaintiffs-Respondents,

-against-

Appeal No. 4994

Rhone Group L.L.C., et al.,
Defendants-Appellant,

Larry A. Pavey, et al.,
Defendants.

M-1681
Index No. 601832/07

DDJ Management, LLC, et al.,
Plaintiffs-Appellants,

-against-

Appeal No. 4995

Rhone Group L.L.C., et al.,
Defendants,

PriceWaterhouseCoopers, LLP,
Defendant-Respondent.

-----X

Plaintiff-respondent DDJ Management, LLC having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 5, 2009 (Appeal No. 4994),

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 18, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-1618
Ind. No. 57/06

Eddy Momplaisir,
Defendant-Appellant.
-----X

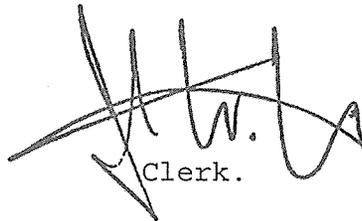
An order of this Court entered March 12, 2009 (M-705) having granted defendant-appellant leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about October 4, 2007, a copy of the trial transcripts and an enlargement of time in which to file said pro se supplemental brief,

And defendant-appellant having moved to reargue and clarify the aforesaid order,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 13, 2009 for the September 2009 Term, to which Term the appeal is adjourned. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2009.

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

-----X
Maurice Mann,
Plaintiff-Appellant,

-against-

M-1384
Index No. 600707/09

Broadwall Management of Apthorp LLC,
et al.,
Defendants-Respondents,

Arefin TRS LLC, et al.,
Additional Necessary Party
Defendants,

Apthorp Associates LLC, et al.,
Nominal Defendants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 19, 2009,

And plaintiff-appellant having moved to stay enforcement of the aforesaid order, pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated June 5, 2009, and due deliberation having been had thereon,

It is ordered that the motion and appeal are 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 18, 2009.

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

-----X
Frank Cupelli, et al.,
Plaintiffs-Appellants,

-against-

M-926
Index No. 8252/02

Lawrence Hospital, et al.,
Defendants-Respondents,

Joshua Weintraub, M.D.,
Defendant.

-----X

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

And defendants-respondents 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 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 18, 2009.

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

-----X
Skip Funt,
Plaintiff-Appellant,

-against-

M-2090
Index No. 124501/01

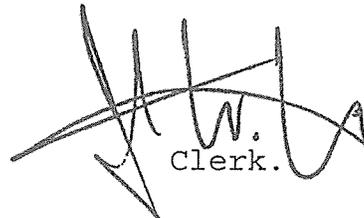
Human Resources Administration of the
City of New York,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 13, 2009 (mot. seq. no. 004), 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, sua sponte, the premature notice of appeal is deemed timely filed, and the motion is denied, with leave to renew, upon submission of a certificate of merit from an attorney (CPLR 1101[b]).

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 18, 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 the Commitment of
Guardianship and Custody of

Kendra C. R.,

A Child under 18 Years of Age
Pursuant to § 384-b of the
Social Services Law,

M-2186
DC #41
Docket No. B-1790/01

Abbott House Family Services, et al.,
Petitioners-Respondents,

Charles R.,
Respondent-Appellant.

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

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about February 29, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2009 Term of this Court and counsel is directed to so perfect.

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 18, 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

Nahajah Lituarrah Lavern K.,

Application for the Guardianship and
Custody of a Child Pursuant to § 384-b
of the Social Services Law,

M-2200
DC #50
Docket No. B28787/04

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

Tiffany W.,
Respondent-Appellant.

Ava Gutfriend, Esq.,
Law Guardian for the Child.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about March 25, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2009 Term of this Court and counsel is directed to so perfect.

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 18, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Elite Technology NY Inc., et al.,
Plaintiffs-Appellants,

-against-

M-2477
Index No. 602883/07

Abraham Thomas, also known as
Thomas Abraham, et al.,
Defendants-Respondents.

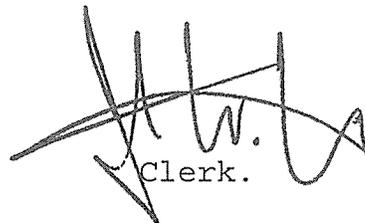
-----X

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 July 1, 2008 (mot. seq. no. 001),

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal to the 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 18, 2009.

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

-----X
Olia Genza,
Plaintiff-Appellant,

-against-

M-2318
Index No. 119757/03

Stephen B. Richardson, M.D. and
Stephen B. Richardson, P.C.,
Defendants-Respondents.

-----X

Plaintiff-appellant 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 July 10, 2008 (mot. seq. no. 004),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to 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 18, 2009.

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

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

-against-

M-2457
Index No. 112008/03

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

-----X

Plaintiffs-appellants having moved for consolidation of the appeals taken from the judgment of the Supreme Court, New York County, entered on or about September 19, 2008 and from the order of said Court entered on or about February 24, 2009 (mot. seq. no. 008),

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 appellants to prosecute the appeals upon 10 copies of one record and of one set of appellants' points covering the appeals and, sua sponte, appellants are directed to perfect the consolidated appeals on or before August 10, 2009 for 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 18, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Luis Espinosa,
Plaintiff-Appellant,

-against-

Azure Holdings II, LP, et al.,
Defendants,

M-38
M-226

Pygros Construction, et al.,
Defendants-Respondents.

Index Nos. 29562/02
93599/03

-----X
[And a Third-Party action]
-----X

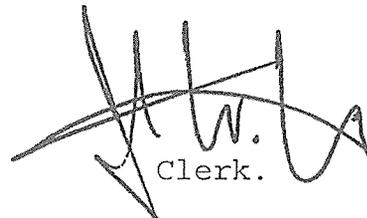
Third-party plaintiff-respondent Strategic Construction Corp. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals (M-38) from the decision and order of this Court entered on December 4, 2008 (Appeal No. 3318),

And defendants Azure Holdings II, LP and Azure Holdings II LLC, having cross-moved for the aforesaid relief (M-226),

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

It is ordered that the motion and cross-motion are denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Kiss Construction NY, Inc.,
Plaintiff-Respondent,

-against-

M-1941
M-2133
Index No. 602373/05

Rutgers Casualty Insurance Company,
Defendant-Appellant,

Buckingham Badler Associates, Inc.,
et al.,
Defendants.

-----X

Plaintiff-respondent Kiss Construction NY, Inc. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals (M-1941) from the decision and order of this Court entered on April 2, 2009 (Appeal No. 219),

And defendant-appellant Rutgers Casualty Insurance Company having cross-moved for the aforesaid relief and certain other/related relief (M-2133),

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 (M-1941) is denied; the cross-motion (M-2133) is denied without prejudice to defendant seeking the other/related relief in the Supreme Court.

ENTER:


Clerk.

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-1957
Ind. No. 6115/99

-against-

CERTIFICATE
DENYING LEAVE

Dominick Florio,

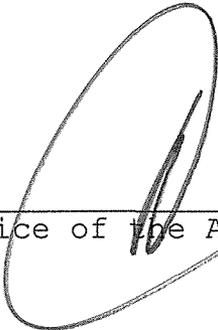
Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, (Charles Solomon, J.), entered on or about February 24, 2009, which denied defendant's motion to renew his prior motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
June 11, 2009

ENTERED JUN 18 2009


Justice of the Appellate Division

PM ORDERS

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on June 18, 2009.

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

-----X
John P. Bostany,

Plaintiff-Respondent,

-against-

M-2601
Index No. 602627/08

Trump Organization LLC and 40 Wall
Street LLC,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 28, 2009 (mot. seq. no. 003),

And defendants-appellants having moved to stay discovery, 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 18, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
In Re: World Trade Center Bombing
Litigation Index No. 6000000/94

Charla Mitchell,
Plaintiff-Appellant,

-against-

M-2026
Index No. 115258/93

The Port Authority of New York and
New Jersey,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 7, 2009 (mot. seq. no. 002),

And plaintiff-appellant having moved for a stay of retrial pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is granted.

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 18, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Lisa O'Brien,
Plaintiff-Respondent,

-against-

M-2282
Index No. 23545/03

Hilton Hotels Corporation,
Defendant-Appellant,

-and-

The East Side House, doing business as
East Side House Settlement Inc.,
Defendant.

-----X
[And a third-party action]
-----X

Index No. 83947/08

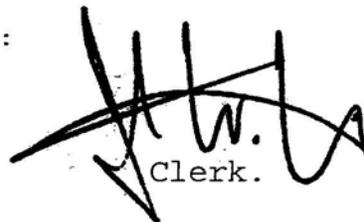
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 10, 2009,

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 granted on condition the appeal is perfected on or before July 13, 2009 for the September 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

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 18, 2009.

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

-----X
Robert Suarez, Individually and as
Adminstrator of the estate of Maritza
Suarez, deceased; Lisa Suarez, an
infant by her father and natural
guardian, Robert Suarez; Robert
Suarez, individually; Julianne
Suarez and Henry Delgado,
Plaintiffs-Respondents,

M-1924
Index No. 18188/07

-against-

A-1 Transitmix, Inc., and Francisco
Vargas,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 26, 2009,

And defendants-appellants having moved to stay 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 18, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application
of Verizon New York, Inc.,

Petitioner-Respondent,

For a Judgment, etc.,

-against-

M-2712
Index No. 117078/07

Environmental Control Board of the
City of New York, New York City
Department of Information Technology
and Telecommunications,

Respondents-Appellants.
-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 28, 2008,

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

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

ENTER:


Clerk.