

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 March 3, 2009.

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

-----X
Debra M. Carpluk, as Administratrix
of the Estate of Howard J. Carpluk,
Jr., deceased, and Debra M. Carpluk,
Individually and Michael F. Reilly
and Monica Reilly, as Co-Administrators
of the Estate of Michael C. Reilly,
deceased,
Plaintiffs-Respondents,

M-330
Index No. 14573/07

-against-

Jose David Vargas, P.E.,
Defendant-Appellant,

Davir Realty, Ltd., et al.,
Defendants.

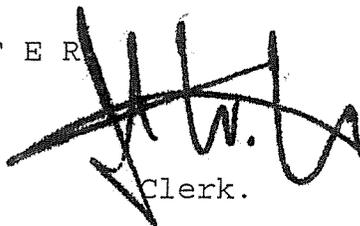
-----X
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 4, 2008,

And defendant-appellant having moved to withdraw 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Ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER


Clerk.

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

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

-----X
In the Matter of Community Related
Services, Inc. (CRS),
Petitioner-Appellant,

For a Judgment Pursuant to
Article 78 of the CPLR,

-against-

M-559
Index No. 102971/07

Antonia C. Novello, Commissioner,
New York State Department of Health,
and New York State Department of
Health,
Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 2, 2007 (mot. seq. no. 001),

And petitioner-appellant having moved to withdraw 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Ordered that the motion is granted and the appeal is deemed withdrawn.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 March 3, 2009.

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

-----x
The People of the State of New York
ex rel. Luis Chacon,
Petitioner-Respondent,

-against-

M-3237
Index No. 75047/06

Warden, Rikers Island Correctional
Facility and New York State Division
of Parole,
Respondents-Appellants.
-----x

Petitioner-respondent having moved for an order dismissing the appeal from the order of the Supreme Court, Bronx County, entered on or about February 16, 2007, which sustained a habeas corpus petition and vacated an outstanding parole warrant,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated July 21, 2008, and due deliberation having been had thereon,

It is ordered that the appeal 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 March 3, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe
David Friedman, Justices.

-----X
In the Matter of the Application
of Hillside Manor Rehabilitation
and Extended Care Center, as
Representative for Johanna Heinrich,
Petitioner,

M-836
Index No. 115945/07

For a Judgment, etc.,

-against-

Richard F. Daines, M.D., as
Commissioner of the Department of
Health of the State of New York,
et al.,
Respondents.

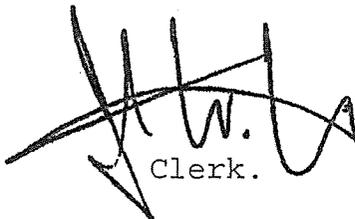
-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 2, 2008 (mot. seq. no. 001), to review a determination of respondents,

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

It is ordered that the proceeding, previously perfected for the March 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 March 3, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe
David Friedman, Justices.

-----X
Gilbert Lau,
Plaintiff-Appellant,

-against-

M-561
Index No. 104636/08

Capital One Bank,
Defendant,

Forster & Garbus, et al.,
Defendants-Respondents,

Estate of Lynn Ferdman,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 28, 2008, and said appeal having been perfected,

And plaintiff-appellant having moved for an order enlarging the time in which to file a reply brief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff-appellant received February 18, 2009, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn.

ENTER:


Clerk.

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

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

-----X
Donald J. Trump, individually and
derivatively, on behalf of
Hudson Waterfront Assoc., L.P.,
Hudson Waterfront Assoc., I, L.P.,
Hudson Waterfront Assoc., II, L.P.,
Hudson Waterfront Assoc., III, L.P.,
Hudson Waterfront Assoc., IV, L.P.,
Hudson Waterfront Assoc., V, L.P.,
Plaintiffs-Appellants,

-against-

M-777
Index No. 602877/05

Henry Cheng, Vincent Lo,
Charles Yeung, Edward Wong,
David Chiu, Hudson Water Front Corp.,
Hudson Waterfront I Corp.,
Hudson Waterfront II Corp.,
Hudson Waterfront III Corp.,
Hudson Waterfront IV Corp.,
Hudson Waterfront V Corp.,
Hudson Waterfront Assoc., L.P.,
Hudson Waterfront Assoc., I, L.P.,
Hudson Waterfront Assoc., II, L.P.,
Hudson Waterfront Assoc., III, L.P.,
Hudson Waterfront Assoc., IV, L.P.,
Hudson Waterfront Assoc., V, L.P.,
Hudson Westside Assoc., L.P.,
Hudson Westside Assoc., I, L.P.,
Hudson Westside Assoc., II, L.P.,
Hudson Westside Assoc., III, L.P.,
Hudson Westside Assoc., IV, L.P.,
Hudson Westside Assoc., V, L.P.,
John Doe I and John Doe II,
Defendants-Respondents,

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 3, 2007 (mot. seq. no. 016),

And, plaintiffs-appellants having moved for preference in the hearing of the aforesaid appeal and related relief,

Now, upon reading and filing the papers with respect to the motion including the correspondence from Jay Goldberg, Esq., counsel for plaintiffs-appellants, dated February 20, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

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

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

In the Matter of the Application of

Andreas Gruson,
Petitioner-Respondent,

M-548
Index No. 106396/08

For a Judgment, etc.,

-against-

The Department of City Planning of
the City of New York, et al.,
Respondents-Appellants.

-----X

Petitioner-respondent having moved for an order dismissing respondents-appellants' appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 9, 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 to dismiss the appeal is granted unless the appeal is perfected for the September 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided petitioner-respondent serves a copy of this order upon the 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 March 3, 2009.

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

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

Vladlena B., M-44
Petitioner-Appellant, Docket No. F-02053-05/07A

-against-

Mathias G.,
Respondent-Respondent.

-----X

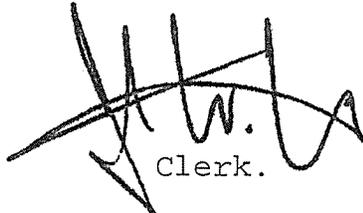
An appeal having been taken from the order of the Family Court, New York County, entered on or about March 10, 2008, and said appeal having been perfected,

And respondent-respondent having moved for dismissal of the aforesaid appeal or, in the alternative, for an adjournment of said appeal so respondent may move to enlarge the record on appeal, and for related relief,

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

It is ordered that so much of the motion which seeks to dismiss the appeal is denied without prejudice to raising the issue in a respondent's brief. That portion of the motion which seeks to adjourn the appeal is granted to the extent of adjourning the appeal to the September 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 March 3, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Helen E. Freedman, Justices.

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

-against-

M-517
Ind. No. 146/08

Leon Neblett, also known as
Leon E. Nebleti,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 5, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

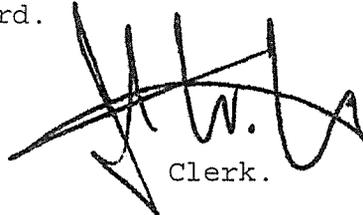
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone 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 March 3, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

Jason E.,
Petitioner-Respondent,

-against-

M-210
Docket No. P24343/06

Tania G.,
Respondent.

Gregory W.,
Non-Party Appellant.

-----X
Non-party appellant Gregory W. having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about December 12, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Joseph V. Moliterno, Esq., 670 White Plains Road, Suite 207, Scarsdale, NY 10583, Telephone No. 914-722-6922, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for

inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

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

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

-----X
In the Matter of

Sianne S. and Tireca S.,

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

M-378
Docket Nos. B11905/07
B11906/07

Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

LaRoyal S.,
Respondent-Appellant.

Indij Bessim, Esq.,
Law Guardian for the Children.

-----X

Respondent-appellant father, LaRoyal S., having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about October 8, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. 914-834-3053, as counsel, for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

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

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In the Matter of a Petition for
Visitation Pursuant to Article 6 of
the Family Court Act,

Kevin W.,
Petitioner-Appellant,

-against-

M-5519
M-5825
Docket No. V9884/08

Administration for Children's Services,
et al.,
Respondents-Respondents.

-----X
Petitioner-appellant father, by separate motions, 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 October 2, 2008, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motions are granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal

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

until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:

A handwritten signature in black ink, appearing to be "J.W.L.", written over a horizontal line. The signature is stylized and somewhat illegible.

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 March 3, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----x
In the Matter of a Proceeding
for Support Under Article 4 of
the Family Court Act.

John T.,
Petitioner-Respondent,

M-979
Docket No. F1572/01

-against-

Olethea P.,
Respondent-Appellant.

-----x

Petitioner-respondent father having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about October 25, 2007, and for the assignment of counsel, a free copy of the transcripts, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition one copy of such brief be served upon the attorney for the appellants and 10 copies thereof are filed with this 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 March 3, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

Martin Hodge,
Petitioner,

M-453

For a Judgment Pursuant to Article 78
of the CPLR,

Index No. 250285/08

-against-

Martin F. Horn, Commissioner of the
New York City Department of Probation,
et al.,

Respondents.
-----X

Petitioner having moved for leave to prosecute, as a poor person, the purported appeal taken from the orders of the Supreme Court, Bronx County, entered on or about March 24, 2008 and November 10, 2008, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

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

-----X
In the Matter of

Kareem B.,

A Person Alleged to be a Juvenile
Delinquent,

M-534
Docket No. E10257/07

Respondent-Appellant.
-----X

Appellant having moved for a further enlargement of time in which to perfect the appeal from an order of the Family Court, New York County, entered on or about November 9, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2009 Term, with no further enlargements to be granted.

ENTER:


Clerk.

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

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

-----X

The People of the State of New York,
Respondent,

-against-

M-669
Ind. No. 4024/06

Welkin Belliard,
Defendant-Appellant.

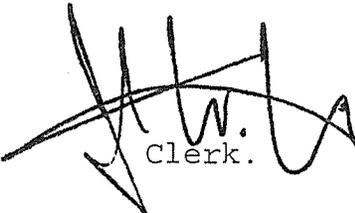
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 31, 2007,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 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 March 3, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Board of Education of the City
School District of the City of
New York,
Petitioner-Respondent,

-against-

M-726
Index No. 405372/07

Alexis Grullon,
Respondent-Appellant.

-----X

Respondent-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 March 18, 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 appellant's time in which to perfect the appeal to the June 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 March 3, 2009.

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

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

William Gottlieb File No. 4037/99
Deceased,

Irving Bender and Neil Bender,
Petitioners-Respondents,

Cheryl I. Dier, M-648
Objector-Appellant,

Michael Corbett,
Objector-Appellant.

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

Will of
Mollie Bender File No. 2497/07
Deceased,

Irving Bender and Neil Bender,
Petitioners-Respondents,

Michael Corbett,
Objector-Appellant.

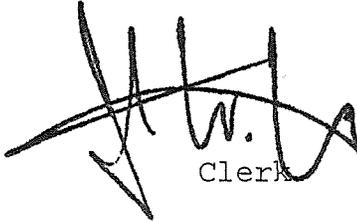
-----X

Objector-appellant Cheryl I. Dier having moved for an enlargement of time in which to perfect the appeal taken from the order of the Surrogate's Court, New York County, entered on or about March 13, 2008 (File No. 4037/99),

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 Dier's time in which to perfect her appeal is enlarged to the June 2009 Term. Sua sponte, the Court is directed to place objector Dier's appeal and the consolidated appeals taken by objector Corbett from the orders entered March 13, 2008 (File No. 4037/99) and March 20, 2008 (File No. 2497/07), respectively, for hearing together in said June 2009 Term. (See M-5780 and M-6061 entered January 29, 2009, a copy of which is annexed hereto.)

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 January 29, 2009.

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

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

William Gottlieb File No. 4037/99
Deceased,

Irving Bender and Neil Bender,
Petitioners-Respondents,

Cheryl I. Dier, M-5780
Objector-Appellant, M-6061

Michael Corbett,
Objector-Appellant.

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

Will of
Mollie Bender File No. 2497/07
Deceased,

Irving Bender and Neil Bender,
Petitioners-Respondents,

Michael Corbett,
Objector-Appellant.

-----X

Cheryl I. Dier having moved for an enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about March 13, 2008, (File No. 4037/99) (M-5780),

And Michael Corbett having moved for consolidation of the appeals taken from the order of the Surrogate's Court, New York County, entered on or about March 13, 2008 (File No. 4037/99) and March 20, 2008 (File No. 2497/07), respectively, and for an enlargement of time in which to perfect the consolidated appeals, and related relief (M-6061),

M-5780
M-6061

- 2 -

January 29, 2009

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 objectant Cheryl I. Dier is denied without prejudice to renew upon proof of service of a copy of the moving papers upon respondent's counsel at: Simon, Eisenberg & Baum, LLP, 32 Union Square East, 5th Floor, New York, N.Y. 10003 (M-5780),

Objectant Corbett's motion for consolidation is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeal to the June 2009 Term (M-6061).

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 March 3, 2009.

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

-----x
Rachel L. Arfa, Alexander Shpigel,
Argelt LLC,
Plaintiffs-Appellants-Respondents,

-and-

552-562 Academy Street, LLC,
Plaintiff,

M-677
Index No. 603602/05

-against-

Gadi Zamir, Zamir Properties, Inc.,
Eli Mor, Jacob Perry and Ilan Calic,
Defendants.

546-552 West 146th Street LLC,
522-536 West 147th Street LLC,
West 162nd and Academy Street LLC,
100-102 East 124th Street Package LLC,
Harlem I LLC and Harlem II LLC,
Intervenors-Defendants/
Counterclaim Plaintiffs/
Cross Claim Plaintiffs-Respondents-
Appellant,

2000 Davidson Ave. LLC,
Intervenor-Defendant-
Counterclaim Plaintiff-
Cross-Claim Plaintiff,

-against-

Rachel L. Arfa and Alexander Shpigel,
Counterclaim Defendants,

-and-

Gadi Zamir, Worldwide Management Group,
LLC, Harlem Holdings LLC and Amelite
Management Services, Inc.,
Cross-Claim Defendants.

(And another action)

-----x

Appeals and cross appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about April 30, 2008 and August 1, 2008 (mot. seq. no. 045), respectively,

And intervenors defendants 546-552 West 146th Street LLC, et al. having moved for an enlargement of time in which the respective parties may perfect the appeals and cross 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 enlarging the time in which to perfect the appeals and cross appeals to the June 2009 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:



Clerk

2009

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

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

-----X

Barbara Lerner,
Claimant-Appellant,

M-5675

-against-

Court of Claims
Motion Nos. M-74577
M-74578

The State of New York,
Defendant-Respondent.

-----X

Claimant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Court of Claims of the State of New York entered on or about November 30, 2007, and 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 enlarging appellant's time in which to perfect the appeal to on or before July 13, 2009 for the September 2009 Term. 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 March 3, 2009.

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

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

Respondent,

-against-

M-608
Ind. No. 571/02

Abdul Rauf,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 15, 2004,

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.

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 March 3, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
The Risk Management Planning Group,
Inc.,
Plaintiff-Respondent,

-against-

Cabrini Medical Center,
Defendant-Appellant.

M-195
Index No. 109017/08

-----X

Defendant having moved for a stay of the order of the Supreme Court, New York County, entered on or about December 9, 2008 (mot. seq. no. 001), 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 March 3, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-448
Ind. Nos. 9473/94
2036/84

Arthur Blake, also known as Robert Johnson, also known as Ronald Boyd, also known as Steven Banks,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 8, 2008 (M-1900) granting defendant 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 March 12, 2008,

And assigned counsel, Richard M. Greenberg, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:


Clerk.

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

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

-----X
Miguel Andrade,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-389
Index No. 400251/08

New York City Police Department,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about September 22, 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 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 March 3, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

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

Richard Padilla,
Petitioner-Appellant,

M-390
Index No. 400230/08

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

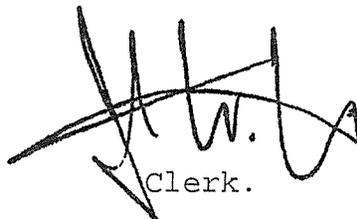
Raymond Kelly,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 25, 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 denied, with leave to renew upon petitioner's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to demonstrate the merit of his contentions.

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 March 3, 2009.

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

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

-against-

M-406
Index No. 126690/02

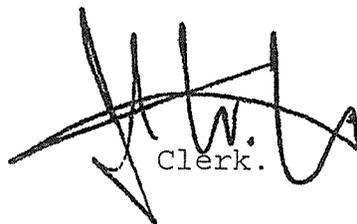
Inwood Gardens, Inc., et al.,
Respondents-Respondents.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 19, 2008 (mot. seq. no. 005), 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 denied, with leave to renew upon plaintiff-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to show merit of contentions, and income tax returns for the tax years 2006 and 2007.

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 March 3, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Luis Fernandez,
Plaintiff-Respondent,

-against-

M-657
M-658
Index No. 101607/06

SP West 33-34 LLC and Stonehenge
Management LLC,
Defendants-Appellants,

E.W. Howell Co., Inc.,
Defendant-Appellant,

Music Choice,
Defendant.

-----X

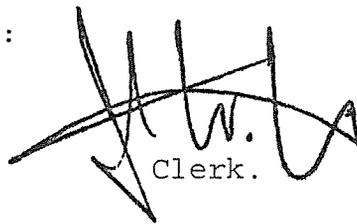
Appeals having been taken from the order of the Supreme Court, New York County, entered on or about October 30, 2008 (mot. seq. nos. 003 and 004),

And defendant(s)-appellant(s) SP West 33-34 LLC and Stonehenge Management LLC [M-657] and E.W. Howell Co., Inc. [M-658] having moved by separate motions for a stay of trial pending hearing and determination of the aforesaid appeals,

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

Ordered that the motions are 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 March 3, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X
In re Anthony Altieri,
Petitioner-Appellant,

-against-

M-39
Index No. 105563/07

City of New York Civil Service
Commission, et al.,
Respondents-Respondents.

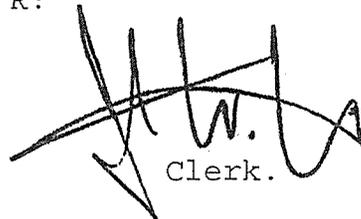
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 4, 2008 (Appeal No. 4750),

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 March 3, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Abra Construction Corp., on its
own behalf and on behalf of all
others similarly situated, who
are beneficiaries of trust funds
received by Defendants under
Article 3A of the Lien Law of
the State of New York or otherwise,
Plaintiff-Appellant,

M-526

Index No. 603260/02

-against-

112 Duane Associates LLC, et al.,
Defendants-Respondents.

-----X
Guy Roberts,
Plaintiff,

-against-

Index No. 604522/01

112 Duane Associates, LLC, et al.,
Defendants Third-Party
Plaintiffs-Respondents,

-against-

Abra Construction Corp., et al.,
Third-Party Defendants-Appellants.

-----X

Plaintiff/third-party defendant-appellant, Abra Construction Corp., 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 December 5, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 March 3, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-550
Ind. No. 3806/04

Kenneth Lewis,
Defendant-Appellant.

-----X
An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 27, 2006,

And an order of this Court having been entered on November 25, 2008 (M-4944), inter alia, granting defendant leave to file a pro se supplemental brief,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before March 23, 2009 for the June 2009 Term, to which Term the appeal is adjourned. Appellant is advised that his appeal will not be heard unless and until all material furnished to appellant has been returned.

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 March 3, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-551
Ind. No. 3998/06

Benjamin Santiago,
Defendant-Appellant.

-----X
An order of this Court having been entered on December 9, 2008 (M-5231), inter alia, granting defendant an extension of time to file a pro se supplemental brief in connection with the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 26, 2007,

And an order of this Court having been entered on December 23, 2008 (M-5352), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 15, 2008, and consolidating the aforesaid appeals,

And defendant having moved for an extension of time in which to file his pro se supplemental brief in connection with the consolidated appeals (M-551),

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 consolidated appeals are adjourned. The consolidated appeals will not be heard unless and until all material previously furnished to appellant has been returned.

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 March 3, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Luis A. Gonzalez
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Travelers Casualty and Surety Company,
Plaintiff-Appellant-Respondent,

-against-

M-740

Index No. 107138/06

Honeywell International Inc.,
Defendant-Respondent,

American Re-Insurance Company, et al.,
Defendants,

Employers Insurance Company of
Wausau, et al.,
Defendants-Appellants-Respondents,

Royal Indemnity Company,
Defendant-Respondent-Appellant,

Midstates Reinsurance Corporation,
Defendant-Respondent-Appellant,

Employers Mutual Casualty Company,
Defendant-Respondent-Appellant.

-----X
Appeals and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about April 1, 2008, and said appeals and cross appeals having been perfected for the May 2009 Term,

And plaintiff-appellant-respondent Travelers Casualty and Surety Company having moved for leave to file a supplemental record on appeal,

(M-740)

-2-

March 3, 2009

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

It is ordered that the motion is granted and the 10 copies of the supplemental record submitted with the moving papers are deemed filed.

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 March 3, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Luis A. Gonzalez
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
George Pamblanco,
Plaintiff,

-against-

15th Associates LLC,
Defendant.
-----X

M-932
Index No. 102267/09

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

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

Ordered that the motion is denied.

ENTER:


Clerk.

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

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
William Gordon,

Plaintiff-Respondent,

-against-

M-549
Index No. 14149/06

Marc Brown,

Defendant-Appellant.
-----X

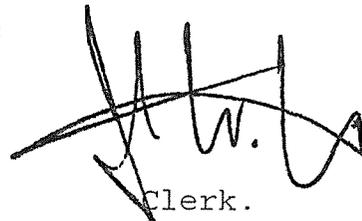
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 25, 2008, and said appeal having been perfected for the March 2009 Term,

And plaintiff-respondent having moved for an enlargement of time in which to file a respondent's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated February 9, 2009, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn and the appeal is adjourned to the May 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 March 3, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

-against-

M-873
Ind. No. 1232/90

Mario Soto,
Defendant-Appellant.

-----X

The People having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 20, 1991,

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 March 3, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

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

Shaianna Mae F.,

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

M-206
Docket No. B-234/07

- - - - -
The Salvation Army Social
Services of Greater New York and
Commissioner of the Administration
for Children's Services,
Petitioners-Respondents,

- - - - -
Tsipora S.,
Respondent-Appellant,

- - - - -
Ann Marie Scala,
Law Guardian for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about November 26, 2008, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and

§1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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

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

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Jerome Siegel, et al.,
Plaintiffs-Appellants-
Respondents/Appellants,

-against-

M-655
Index No. 102930/02

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

-and-

Empire City Subway Company (Limited),
sued herein as Empire City Subway
Company Limited,
Defendant-Respondent-
Appellant/Respondent.

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

Index No. 590948/04

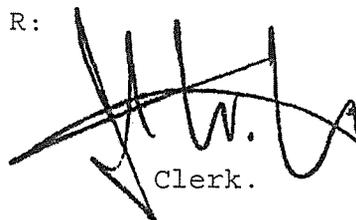
An appeal and a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 2, 2008 (mot. seq. no. 005), and an appeal having been taken from the order of said Court entered on or about October 10, 2008 (mot. seq. no. 007), respectively,

And plaintiffs having moved for consolidation of the aforesaid 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 consolidating the appeals and cross appeal and enlarging the time in which to perfect same to the September 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 March 3, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

-----x
Cynthia Griffin,

Plaintiff-Appellant,

-against-

M-331
Index No. 123212/02

The City of New York, et al.,

Defendants-Respondents.
-----x

An order of this Court having been entered on February 17, 2009 (M-6170), granting plaintiff-appellant an enlargement of time in which to perfect the appeals from the order of the Supreme Court, New York County, entered on or about March 4, 2008 (mot. seq. no. 002) and from the judgment of said Court entered on or about March 31, 2008 to the June 2009 Term,

And plaintiff-appellant having moved for said relief by duplicate 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 denied as academic, said relief having been granted by the order of this Court entered on February 17, 2009 (M-6170).

ENTER:


Clerk

Orlene

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 March 3, 2009.

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

-----X
Han Soo Lee, et al.,
Plaintiffs-Appellants,

-against-

M-87
Index No. 113585/03

Riverhead Bay Motors, et al.,
Defendants,

Riverhead Pooh, L.L.C., et al.,
Defendants-Respondents.

-----X

A decision and order of this Court having been entered on December 11, 2008 (Appeal No. 4782), unanimously reversed the judgment of the Supreme Court, New York County, entered on or about September 7, 2007,

And plaintiffs-appellants having moved for clarification of the aforesaid decision and order of this Court,

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

Ordered that the motion is denied.

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 March 3, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----x
Janulyn McKanic,

Plaintiff-Appellant,

-against-

M-5327
Index No. 602360/05

Amigos Del Museo Del Barrio,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 7, 2008 (mot. seq. no. 004),

And plaintiff-appellant having moved for a stay of enforcement of the order directing the production of documents, 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 dismissed, as academic, without prejudice to further proceedings in Supreme Court. The interim relief granted by an order of a Justice of this Court dated November 5, 2008, 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 March 3, 2009.

Present - Hon. David B. Saxe, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Abraham P. and
Christopher P.,

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

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

M-6039
Docket Nos. NA25766/05
NA25767/05

Violeta J.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Children.

-----X

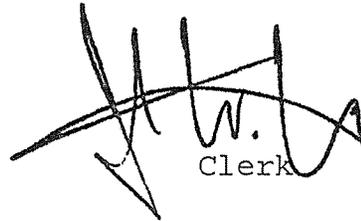
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about February 15, 2007, and the order of disposition of said Court entered on or about December 12, 2008, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Michael S. Bromberg, Esq., 44 Hampton Street, Sag Harbor, New York 11963, Telephone No. 631-725-0641, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ within 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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

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

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

-----X
In the Matter of

Sharnaza Q. and Natalya C.,

Children Under 18 Years of Age
Alleged to be Abused and/or
Neglected.

M-184
Docket Nos. N5294-95/07

Administration for Children's
Services, et al.,
Petitioners-Respondents,

Clarence W.,
Respondent-Appellant.

Lisa May, Esq., Lawyers for
Children,
Law Guardian for the Children.

-----X

Respondent-appellant grandfather Clarence W., having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about October 2, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

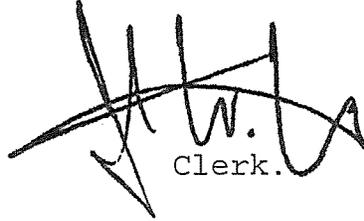
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Anne Reiniger, Esq., 801 Second Avenue, 7th Floor, New York, NY 10017, Tel. No. 212-972-5430, as counsel, for purposes of prosecuting the appeal; (2) directing

March 3, 2009

the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

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

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Ana Reyes,
Plaintiff-Respondent,

-against-

M-216
Index No. 21928/06

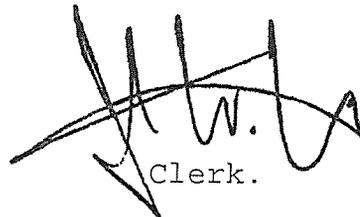
Andres Brito,
Defendant-Appellant.
-----X

Plaintiff having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 23, 2008 (Appeal No. 4893),

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 March 3, 2009.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In re The Bridge and Tunnel Officers
Benevolent Association,
Petitioner-Respondent,

-against-

M-458
Index No. 110880/06

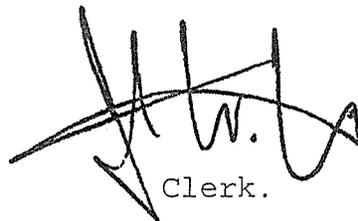
The Triborough Bridge and Tunnel
Authority,
Respondent-Appellant.
-----X

Petitioner-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 23, 2008 (Appeal No. 4904N),

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 March 3, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of

Pricilla A. and Sofia A.,

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

M-354
Docket Nos. B6671/05
B6672/05

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

Jose A.,
Respondent-Appellant.

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

-----X

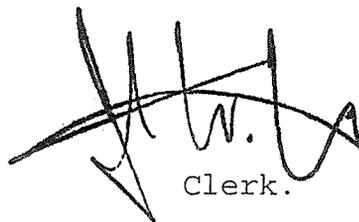
Respondent-appellant father, Jose A., having moved for leave to prosecute, as a poor person, the appeals from the orders of the Family Court, New York County, entered on or about October 1, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. 212-693-2330, as

counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-264
NY Co.
Indictment No.
1609/05

-against-

CERTIFICATE
DENYING LEAVE

Isheah Young,

Defendant.
-----X

I, David B. Saxe, 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, entered on or about December 18, 2008, is hereby denied.

Dated: New York, New York

FEB 26 2009


Justice of the Appellate Division

ENTERED

MAR 03 2009