

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 5, 2009.

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

-----X
Vernon B. Coles and Anita Coles,
Plaintiffs-Respondents,

-against-

Michael Rush,
Defendant-Appellant,

M-898X
Index No. 150104/07

-and-

Ricardo John, et al., etc.,
Defendants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 10, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 19, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 5, 2009.

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

-----X
Corinne Lande,
Plaintiff-Respondent,

-against-

M-949X
Index No. 101096/06

Liberty Service Management, Inc.,
also known as Liberty Taxi Management,
Inc., Devin Taxi Corp. and
Abdelilah Chabane,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 5, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 5, 2009.

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

-----X
Resat Keles,
Plaintiff-Appellant,

-against-

M-421
Index No. 7948/07

Manhattan College Corp.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 3, 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 denied and, sua sponte, the appeal is dismissed.

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 5, 2009.

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

-----X
Alamin O. Hassan, also known as
Alamin Hassan O.,
Plaintiff-Appellant,

-against-

M-162
Index No. 400669/07

Moran ID No. 906866 and New York City,
Defendants-Respondents.

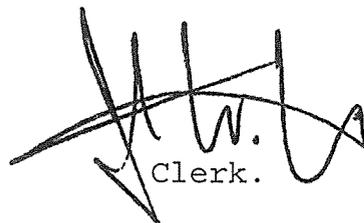
-----X

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 June 12, 2007 (mot. seq. no. 001),

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

Ordered that the motion is denied and, sua sponte, the appeal is dismissed.

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 5, 2009.

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

-----X
482 Fort Washington LLC,
Petitioner-Landlord-Respondent,

-against-

M-336
Index No. 570199/08

Yvette R. Thabet, also known as
Yvette R. Sanchez,
Respondent-Tenant,

Rafeek Sharhan,
Respondent-Undertenant-Appellant,

John Doe and Jane Doe,
Respondents-Undertenants.

-----X

Respondent-undertenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about September 24, 2008, and for a stay of said order pending hearing and disposition of 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 denied in its entirety.

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 5, 2009.

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

-----X

The People of the State of New York,

-against-

Christopher Cedenó,

Defendant.

M-355

Case No. 41299C/05

Ind. No. 3309/06

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from judgments of the Supreme Court, Bronx County, rendered on or about October 4, 2007, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied. (CPL 460.30 subd. 1)

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 5, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
James M. McGuire, Justices.

-----X
Founders Insurance Company Limited,
Petitioner-Respondent,

-against-

M-5964
Index No. 600523/07

Everest National Insurance Company,
etc., et al.,
Respondents-Appellants,

US Bank, N.A.,
Stakeholder.

-----X

Respondents-appellants having moved for reargument of an order of this Court entered on November 13, 2008 (M-3859), denying respondents-appellant's motion to hold petitioner-respondent and its attorneys in contempt with respect to the appeal decided by the decision and order of this Court entered on June 28, 2007 (Appeal Nos. 1480N-1480NA),

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 5, 2009.

Present : Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
Luis A. Gonzalez
Eugene Nardelli, Justices.

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

Respondent,

-against-

M-3597
Ind. No. 4313/04

Garland Graves,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on February 13, 2007 (Appeal No. 221), unanimously affirming the judgment of the Supreme Court, New York County (Edward McLaughlin, J.), rendered on June 23, 2005,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 5, 2009.

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

-----x
Myron Zuckerman,

Plaintiff-Respondent,

-against-

M-835

Index No. 113633/07

Sydell Goldstein and Audrey Siller,
Defendants-Appellants,

Barbara Zuckerman,
Defendant-Appellant,

-and-

Lance Landers and Sam-Fay Realty Corp.,
Defendants-Appellants.

-----x
Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about June 23, 2008 (mot. seq. no. 001) and November 26, 2008 (mot. seq. no. 003), respectively,

And defendants-appellants having jointly moved for preference in hearing of 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 to the extent of directing the Clerk to maintain the appeals on the calendar for hearing in the April 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 5, 2009.

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

-----X
Clarence Jones,
Plaintiff-Appellant,

-against-

M-728
Ind. No. 100477/05

414 Equities LLC and Artimus
Construction Inc.,
Defendants-Respondents.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 21, 2008,

And plaintiff-appellant having moved to withdraw 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 appeal is 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 5, 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

Biblianamiet L.-M. and
Jonathan N.,

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

Cardinal McCloskey Services,
Petitioner-Respondent,

M-384
Docket Nos. B14096/07
B14097/07

Francisco N.,
Respondent-Appellant.

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

-----X

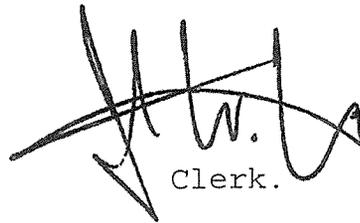
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about January 8, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, David Shapiro, Esq., 903 Sheridan Avenue, 2nd Floor, Bronx, NY 10451, Telephone No. 718-681-2628, 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 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. 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.

E N T E R:



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 5, 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-576
Ind. No. 6605/99

Jamel Haynes,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 30, 2008, for leave to prosecute the appeal as a poor person, upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the amount and sources of his income and listing his property with its value.

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 5, 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-577
Ind. No. 1992/08

Tyhiem Hodges,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 2, 2008, for leave to prosecute the appeal as a poor person, upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, as well as the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 5, 2009.

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

-----X
Luz Bonano, also known as
Lucy Bonano,
Plaintiff-Appellant,

-against-

M-567
Index No. 400386/07

Coalition for the Homeless, L.P.,
et al.,
Defendants-Respondents.

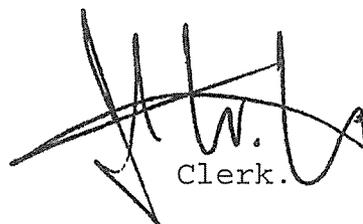
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 6, 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 denied and, sua sponte, the appeal is dismissed.

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 5, 2009.

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

-----X
Finkelstein Newman Ferrara LLP,
formerly known as Finkelstein
Newman LLP,
Plaintiff-Respondent,

-against-

M-321
M-676
Index No. 101631/07

Leo Manning,
Defendant-Appellant.

-----X

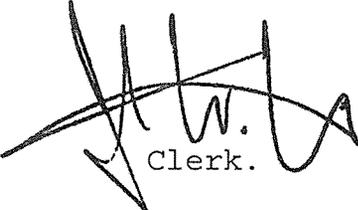
Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 11, 2008 [mot. seq. no. 001] (M-321),

And defendant-appellant having cross-moved for an enlargement of time in which to perfect the aforesaid appeal, and for a stay of proceedings pending hearing and determination of the aforesaid appeal (M-676),

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 cross motion which seeks an enlargement of time in which to perfect the appeal and a stay is granted on condition the appeal is perfected on or before July 13, 2009 for the September 2009 Term. (M-676). The motion to dismiss the appeal is granted unless appellant perfects the appeal for said September 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days from the date of entry hereof (M-321).

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 5, 2009.

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

-----x
Office of the Commissioner of Baseball,

Plaintiff-Appellant,

-against-

Echostar Satellite L.L.C.,

Defendant-Respondent.
-----x

SEALED

M-544

Index No. 600826/08

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 30, 2009, and said appeal having been perfected,

And plaintiff-appellant having moved for an order sealing their brief and record on appeal in connection with 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 entire record on appeal and briefs filed on this appeal are sealed.

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 5, 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-483
Ind. No. 4862/06

Richard Allende,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order withdrawing his appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 7, 2007,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Deputy Clerk David Spokony to defendant, dated January 29, 2009, and defendant's response thereto received on February 19, 2009, and due deliberation having been had thereon,

It is ordered that the appeal 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 5, 2009.

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

-----X
Fashion River Group Inc., as
Assignee of C.J. Import Consulting,
Inc., et al.,
Plaintiffs-Appellants,

-against-

M-164
Index No. 600688/07

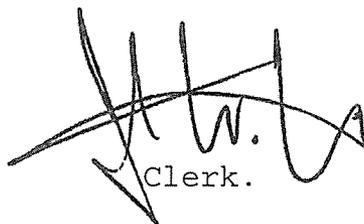
Rosenthal & Rosenthal, Inc. and
Star City Sportswear, Inc.,
Defendants-Respondents.
-----X

Defendant-respondent Rosenthal & Rosenthal, Inc. having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about November 14, 2007 (mot. seq. no. 002),

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.

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 5, 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-651
Ind. No. 2373/08

Hector Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 13, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

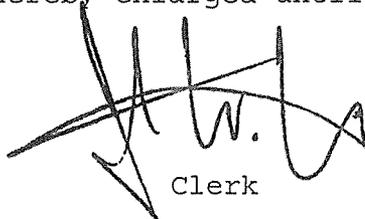
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

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 5, 2009.

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

-----X
Phillips Nizer LLP,

Plaintiff-Respondent,

-against-

M-435
Index No. 104389/06

Yien Koo Wang King, et al.,

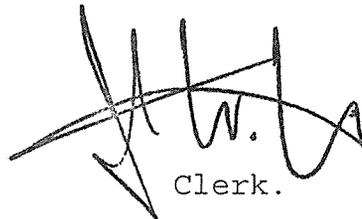
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 7, 2007 (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 granted to the extent of enlarging the time in which to perfect the appeal to the December 2009 Term, with leave to seek a further enlargement if necessary.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 5, 2009.

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

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

Respondent,

-against-

M-405
Ind. No. 310/74

Ibn Kenyatta,

Defendant-Appellant.
-----X

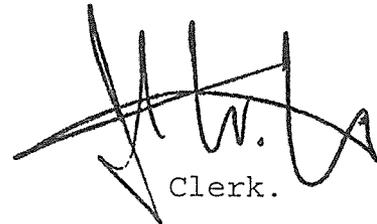
A decision and order of this Court having been entered on May 11, 1976, modifying the judgment of the Supreme Court, Bronx County (William J. Drohan, J.), rendered on November 25, 1974,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 5, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Jorge Angamarca,
Plaintiff-Respondent-Appellant,

Blanca A. Guguncela Encolada,
Plaintiff-Respondent,

-against-

New York City Partnership Housing
Development Fund Company, Inc., et al.,
Defendants-Appellants-Respondents.

[And Other Actions]

M-5773
M-230
M-231
Index Nos. 115471/04
590327/05
590842/06

-----X
Defendants-appellants-respondents, New York City Partnership Housing Development Fund Company, Inc., et al., 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 November 6, 2008 [Appeal No. 4482] (M-5773),

And Citywide Contractors, LLC, defendant/third-party plaintiff-appellant-respondent having cross-moved for the same relief (M-230),

And plaintiff-respondent-appellant Jorge Angamarca having cross-moved for the denial of the two aforesaid motions (M-231),

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

It is ordered that the motion and cross motion (M-5773 and M-230) are denied. The cross motion (M-231) to deny said motions is dismissed as academic.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 5, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
Helen E. Freedman, Justices.

-----x
Saul Rudes,
Plaintiff,

-against-

M-358
Index No. 114298/04

Kenneth Heller,
Defendant.
-----x

An order of this Court having been entered on December 2, 2008 (M-3628/M-4954), inter alia, dismissing defendant's appeal from the judgment of the Supreme Court, New York County, entered on or about June 3, 2008,

And defendant having moved for renewal/reargument of the order of this Court entered on December 2, 2008 (M-3628/M-4954) or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid order, or 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.

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 5, 2009.

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

-----X
Shannon S., Individually and as Parent
and Natural Guardian of Mikailah B.,
an infant, and Isianay B., an infant,
Plaintiffs-Respondents,

-against-

M-542
Index No. 18673/04

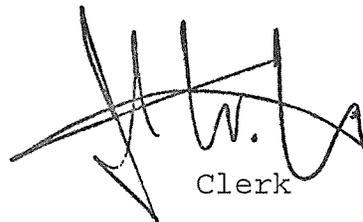
City of New York, P.O. Smith,
individually, and P.O. Smith, in his
official capacity as a New York City
Police Officer,
Defendants-Appellants.

-----X
Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about January 8, 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 on or before March 23, 2009 for the June 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 5, 2009.

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

-----X
Dkegg Holdings, LLC,
Petitioner-Landlord-Appellant,

-against-

M-352
Index No. 570738/07

Paul Dalnoky,
Respondent-Tenant-Respondent,

-and-

"John Doe" and "Jane Doe",
Respondents-Undertenants.
-----X

Respondent-tenant-respondent having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 7, 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 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 March 5, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Maurice Oparaji,

Plaintiff-Appellant,

-against-

M-582
Index No. 1180/06

The New York Mortgage Company, LLC,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 23, 2008 (Appeal Nos. 4367, 4367A and 4367B), 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, to the extent it seeks leave to appeal to the Court of Appeals is denied. The motion, to the extent it seeks to waive the motion filing fee, 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 March 5, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-6040

Ind. No. 1981/06

Clifton Little, also known as Charles J.
Little,

Defendant-Appellant.

-----X

An order of this Court having been entered on April 5, 2007 (M-1323), granting defendant poor person relief and assigning Steven Banks, Esq., as counsel for purposes of prosecuting the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 14, 2007,

And defendant having moved to relieve Steven Banks, Esq., as counsel on his appeal, to permit defendant to proceed pro se on said appeal or, in the alternative, to assign defendant new appellate counsel, and for an enlargement of time in which to perfect said 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 to the September 2009 Term and granting defendant leave to file a pro se supplemental brief for said Term, if so advised, and 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 March 5, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

-against-

M-283
Ind. No. 651/06

David Finchum,

Defendant.

-----X

Defendant having renewed his motion for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2006, and 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 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 March 5, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
John W. Sweeny, Jr., Justices.

-----X
Ruby Emanuel, etc.,
Plaintiff,

-against-

Sheridan Transportation Corp.,
et al.,
Defendants.

M-156
Index No. 1437/06

Kenneth Heller,
Appellant,

-against-

Jacoby & Myers, LLP,
Respondent.

-----X

A decision and order of this Court having been entered on January 29, 2009 (Appeal Nos. 5143N, 5143NA and 5143NB), unanimously affirming the orders of the Supreme Court, Bronx County, entered on or about January 26, 2007, March 9, 2007 and April 26, 2007,

And appellant Kenneth Heller having moved, inter alia, for reversal and vacatur of numerous orders of the Supreme Court, Bronx County, including the above-enumerated orders, to stay all proceedings in this Court including the aforesaid appeal, to stay all proceedings in Supreme Court, Bronx County, and to transfer these proceedings to the U.S. District Court, Southern District of New York,

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, in all respects, 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 5, 2009.

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

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

Respondent,

-against-

M-185
Ind. No. 4342/02

Kenneth Beresford,

Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 9, 2003,

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 March 5, 2009.

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

-----X
Carmen Garcia,

Plaintiff-Appellant,

-against-

M-313
Index No. 28912/01

Barry Dolich, M.D.,

Defendant-Respondent.
-----X

Appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about December 27, 2007, and from the judgment of said Court entered on or about February 26, 2008, respectively,

And defendant-respondent having moved for leave to strike the notice of appeal from the order entered on or about December 27, 2007, for failure to timely prosecute,

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

It is ordered that the motion is granted and the appeal from the order of Supreme Court entered on or about December 27, 2007 is dismissed.

ENTER:


Clerk

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-5263
NY Co.
Indictment No.
1616/05

-against-

CERTIFICATE
DENYING LEAVE

Warren Taylor,

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 September 30, 2008 is hereby denied.

Dated: New York, New York

ENTERED

MAR 05 2009


Justice of the Appellate Division

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. John T. Buckley
Justice of the Appellate Division

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

M-387
Ind. No. 2054/84

-against-

CERTIFICATE
DENYING LEAVE

Alan Newton,
Defendant.

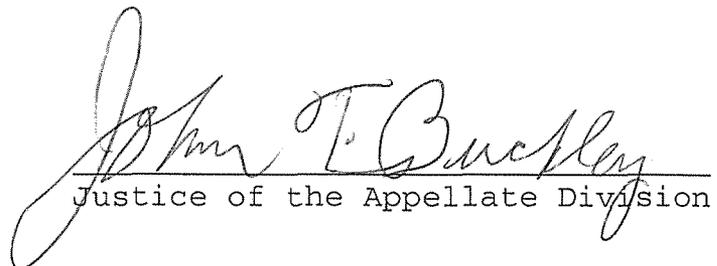
-----X

I, John T. Buckley, 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 Section 460.15 of the Criminal Procedure Law, 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 orders of the Supreme Court, Bronx County, rendered December 18, 2008 and October 2, 2008, is hereby denied.

Dated: New York, New York
February 26, 2009

ENTERED

MAR 05 2009


Justice of the Appellate Division

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

BEFORE: Hon. James M. Catterson
Justice of the Appellate Division

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

M - 5938
Ind. No. 226/96

-against-

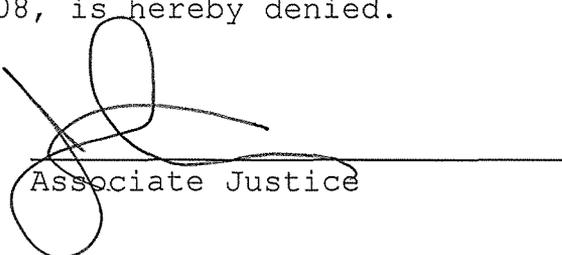
CERTIFICATE
DENYING LEAVE

Dorian Avery

Defendant.

-----X

I, James M. Catterson, 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, sections 450.15 and 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, dated November 5, 2008, is hereby denied.


Associate Justice

Dated: February 26, 2009
New York, New York

ENTERED: MAR 05 2009

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

BEFORE: Hon. James M. Catterson
Associate Justice of the Appellate Division

-----X
In the Matter of the Application of
MILINAIRE DAVIS,

Petitioner,

For an Order Pursuant to Article 78 of the
Civil Practice Law and Rules

-against-

M-6116
Index No. 400057/08

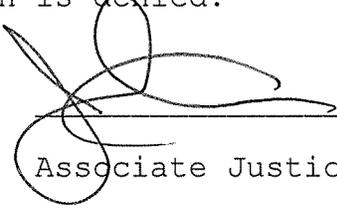
New York City Housing Authority

Respondent
-----X

Respondent having moved for leave to appeal to this Court
from the order of the Supreme Court, New York County, entered on
or about October 23, 2008, and

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.



Associate Justice

Dated: February 26, 2009
New York, New York

Entered: **MAR 05 2009**

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-391
Ind. No. 4029/06

-against-

CERTIFICATE
DENYING LEAVE

David Coleman, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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, sections 450.15 and 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 24, 2008, is hereby denied.

Dated: New York, New York
February 25, 2009



ENTERED

MAR 05 2009

Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-181
Ind. No. 1944/06

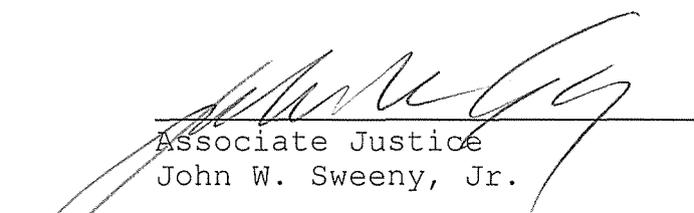
-against-

CERTIFICATE
DENYING LEAVE

Bernard Fuller,
Defendant.

-----X

I, John W. Sweeny, Jr., 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, sections 450.15 and 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 (A. Kirke Bartley, J.), entered on or about December 16, 2008, is hereby denied. See M-181A. decided simultaneously herewith.



Associate Justice
John W. Sweeny, Jr.

Dated: February 27, 2009
New York, New York

ENTERED: MAR 05 2009

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-181 A
Ind. No. 1944/06

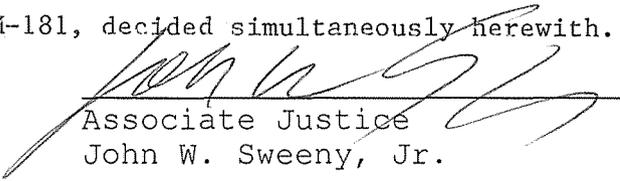
-against-

CERTIFICATE
DENYING MOTION
TO REARGUE

Bernard Fuller,
Defendant.

-----X

I, John W. Sweeny, Jr., 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 granting reargument of the prior order of this court denying leave to appeal the order of the Supreme Court, New York County (A. Kirke Bartley, J.) entered on or about May 15, 2008, and upon reargument, granting defendant's motion pursuant to Criminal Procedure Law, sections 450.15 and 460.15, there is no question of law or fact this court misapprehended or any legal precedent contrary to that decision presented; the motion to reargue is hereby denied. See M-181, decided simultaneously herewith.


Associate Justice
John W. Sweeny, Jr.

Dated: February 27, 2009
New York, New York

ENTERED: MAR 05 2009