

THE FOLLOWING MOTION ORDERS
WERE ENTERED AND FILED ON
MARCH 10, 2009

Tom, J.P., Mazzarelli, Andrias, Saxe, Friedman, JJ.

M-931 In the Matter of Wyatt v Inner City Broadcasting
 Corporation

 Appeal, previously perfected for the February 2009
Term, withdrawn.

Tom, J.P., Mazzarelli, Andrias, Saxe, Friedman, JJ.

M-895X Stampas v Funky Foundations, Inc.

M-897X Greco v St. Helena's Church

M-902X Comverse Technology, Inc. v Alexander - Sorin

M-903X Ark Bryant Park Corp. v Bryant Park Restoration
 Corporation

M-914X King v Geovanis

M-996X Nitke v Nitke

M-997X McGhee v HRH Construction LLC

M-998X Sotheby's Inc. v 1334 York Avenue, L.P.

 Appeals withdrawn.

Tom, J.P., Mazzarelli, Andrias, Saxe, Friedman, JJ.

M-718 200 Fifth Avenue Owner LLC v Cipriani 200, LLC

 Motion deemed withdrawn.

Tom, J.P., Mazzairelli, Andrias, Saxe, Friedman, JJ.

M-654 People v Torres, Fernando

M-755 People v Encarnacion, Jose

M-756 People v Hecker, Tyrone

M-757 People v Heyward, Perry

M-758 People v Oates, James

M-759 People v Osorio, Ferdree

M-761 People v R., Devon

M-762 People v Taborn, Akeen

M-763 People v Temple, Warren

M-765 People v Warren, Michael

M-766 People v Watson, Westley

M-767 People v Wine, Jason

M-770 People v Robinson, Keith

Leave to prosecute appeals as poor persons granted, as indicated.

Tom, J.P., Friedman, Gonzalez, Sweeny, McGuire, JJ.

M-560 People v Rosado, Robert

Notice of appeal deemed timely filed; leave to prosecute appeal as a poor person granted, as indicated.

Tom, J.P., Saxe, Friedman, Buckley, Catterson, JJ.

M-4875 Vargas v New York City Transit Authority; New York City
Transit Authority v Halmar Builders of New York
(And a second third-party action)

Reargument by Grand Mechanical Corporation granted and, upon reargument, the decision and order of this Court entered on September 9, 2008 (Appeal Nos. 3905/3905A) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 3905/3905A, decided simultaneously herewith.) Leave to appeal to the Court of Appeals denied. Reargument by New York City Transit Authority denied.

Tom, J.P., Saxe, Sweeny, Acosta, Freedman, JJ.

M-745 Centro Empresarial Cempresa S.A. v America Movil, S.A.

Stay granted.

Tom, J.P., Saxe, Sweeny, Acosta, Freedman, JJ.

M-840 Bank of America, successor by merger to Fleet National
Bank v Tadco Construction Corp.
(And another action)

Time to perfect appeal enlarged to the June 2009 Term, as indicated.

Tom, J.P., Friedman, Gonzalez, Sweeny, McGuire, JJ.

M-668 People v Araud, Marisol

Time to perfect appeal enlarged to the September 2009 Term; record of appellant's June 23, 1995 plea unsealed, as indicated.

Mazzarelli, J.P., Andrias, Gonzalez, Moskowitz, Renwick, JJ.

M-529 Dawson v 415 Greenwich Fee Owner, LLC - Triple S Construction & Development Corp. - CPG Construction & Development Corp.
(And a third-party action)

Appeal deemed withdrawn.

Mazzarelli, J.P., Andrias, Gonzalez, Moskowitz, Renwick, JJ.

M-688 Hagins v The City of New York; Wilson v The City of New York; Belzek v Lehrer, McGovern, Bovis, Inc.; Kruzynski v Lehrer, McGovern, Bovis, Inc.
(And other actions)

Appeals consolidated; time to perfect same enlarged to the June 2009 Term, as indicated.

Mazzarelli, J.P., Saxe, Nardelli, DeGrasse, Freedman, JJ.

M-459 Guenthner v New York City Health and Hospitals Corporation - Estate of Shirkey

Time to perfect appeal enlarged to the September 2009 Term, as indicated.

Mazzarelli, J.P., Friedman, Gonzalez, Catterson, Renwick, JJ.

M-525 Abra Construction Corp. v 112 Duane Associates, LLC
Costs denied, as indicated.

Andrias, J.P., Saxe, Acosta, Renwick, JJ.

M-618 People v Flores, Edson

 Leave to prosecute appeal as a poor person granted, as indicated.

Andrias, J.P., Saxe, Acosta, Renwick, JJ.

M-639 People v Moss, Andrew

 Leave to prosecute appeal as a poor person granted, as indicated.

Andrias, J.P., Saxe, Acosta, Renwick, JJ.

M-600

M-601 People v Alicea, Gilbert

M-642 People v Smith, Dennis

M-644 People v Williams, Rasheem

 Leave to prosecute appeals as poor persons denied, with leave to renew, as indicated.

Andrias, J.P., Saxe, Acosta, Renwick, JJ.

M-666 Bergman v Bergman

 Time to perfect appeal enlarged to the September 2009 Term.

Andrias, J.P., Saxe, Acosta, Renwick, JJ.

M-821 Hotel 71 Mezz Lender, L.L.C. v Falor

Appeals consolidated; time to perfect same enlarged to the September 2009 Term.

Andrias, J.P., Saxe, Acosta, Renwick, JJ.

M-869 In the Matter of Moveway Transfer & Storage, Inc. v Thompson

Stay denied.

Andrias, J.P., Nardelli, Sweeny, DeGrasse, Freedman, JJ.

M-324 Batyreva v New York City Department of Education

Reargument denied.

Saxe, J.P., Friedman, Sweeny, Acosta, JJ.

M-652 CDR Créances S.A.S., as successor to Société de Banque Occidentale v Cohen

Stay denied.

Nardelli, J.

M-291 People v Price, Terrence

Leave to appeal to this Court denied.

Sweeny, J.

M-397 People v Fleming, Woodrow
Leave to appeal to this Court denied.

Sweeny, J.

M-981 People v Smith, Patrick
Leave to appeal to this Court denied, as indicated.

Catterson, J.

M-5052 People v McDaniel, Jermar
Leave to appeal to the Court of Appeals granted, as indicated.

Catterson, J.

M-5531 People v Chatmon, Willie
Leave to appeal to this Court denied, as indicated.

Tom, J.P., Mazzairelli, Andrias, McGuire, Acosta, JJ.

M-1947 In the Matter of Joel A. Silberman
M-3040 (admitted as Joel Alan Silberman),
a disbarred attorney:

The order of disbarment entered on May 11, 2006 (M-5268) vacated; petitioner suspended from the practice of law in the State of New York, effective the date hereof, and matter remanded to a Committee to designate a Hearing Panel to conduct a hearing, as indicated. Opinion Per Curiam. All concur.

The following orders were entered and filed on March 5, 2009:

Tom, J.P., Saxe, Sweeny, Acosta, Freedman, JJ.

M-414 Fernandez v Riverdale Terrace - Action Chutes, Inc.

Stay of trial granted, as indicated. Clerk directed to calendar the instant appeal for hearing in the April 2009 Term, as indicated.

Tom, J.P., Saxe, Sweeny, Acosta, Freedman, JJ.

M-945 Compañia De Inversiones De Energia S.A. v AEI, formerly known as Ashmore Energy International, formerly known as Prisma Energy International Inc.

Preliminary appellate injunction denied.

The following order was entered and filed on March 6, 2009:

Mazzarelli, J.P., Saxe, Friedman, Nardelli, Buckley, JJ.

In the Matter of Attorneys Who Are in Violation of Judiciary Law Section 468-a:

M-937 Phyllis Amy Gerstell, admitted on 2-22-77, at a Term of the Appellate Division, First Department

Respondent reinstated as an attorney and counselor-at-law in the State of New York, effective the date hereof. No opinion. All concur.