

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 12, 2009.

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

-----X  
Souad Fennough,  
Plaintiff-Respondent,

-against-

M-1056X  
Index No. 350081/08

Ramez Chalhoub,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 17, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 27, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 12, 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 the Commitment of the Guardianship and Custody of

Jose Antonio R. III,

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

M-846  
Docket No. B-3467/06

-----  
New Alternatives for Children, et al.,  
Petitioner-Respondent,

Evelyn S.,  
Respondent-Appellant.  
-----

Hal Silverman, Esq. and Marly Gonzalez, Esq.,  
Law Guardians for the Child.  
-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about March 31, 2008,

Now, upon reading and filing the correspondence dated January 22, 2009 from appellant's counsel, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence.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 12, 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-555  
Ind. No. 3819/06

William Ulerio,  
Defendant-Appellant.

-----X

The People having moved to dismiss the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 11, 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 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 12, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
Julia Danger,  
Plaintiff-Appellant,

-against-

M-702  
Index No. 606259/98

Elizabeth Combier,  
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about January 2, 2008 (mot. seq. no. 005),

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 adjourned 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 12, 2009.

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

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

-against-

M-571  
Ind. No. 6657/04

Jerry Williams,  
Defendant-Appellant.

-----X  
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 1, 2005,

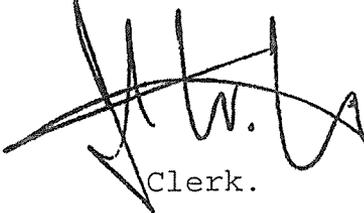
And an order of this Court having been entered July 22, 2008 (M-2531 [DC #83]) enlarging appellant's time in which to perfect the appeal to the January 2009 Term,

And upon the Court's own motion to dismiss the appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Deputy Clerk David Spokony to defendant, dated February 3, 2009, and the affirmation of appellant's counsel Andrew Citron, Esq. dated February 23, 2009, and due deliberation having been had thereon,

It is ordered that the motion is denied and, sua sponte, appellant's time in which to perfect the appeal is enlarged to the September 2009 Term, for which Term counsel is directed to so perfect.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

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

-against-

M-203  
Ind. No. 4984/06

Leroy McFarlane,  
Defendant-Appellant.

-----X

An appeal having been heard in this Court on October 23, 2008 from the judgment of the Supreme Court, New York County, rendered on or about June 26, 2007 (Appeal No. 4538),

And the People having moved for dismissal of the aforesaid appeal (Appeal No. 4538), 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.

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 12, 2009.

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

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

-against-

M-798  
Ind. No. 2000/01

Jason Munneilyn,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about February 10, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-682  
Ind. No. 4926/06

Ricardo Rodriguez,  
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 5, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

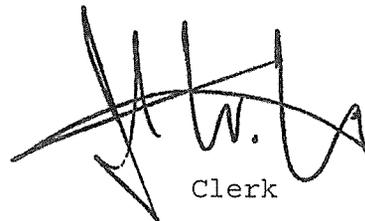
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 12, 2009.

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

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

-against-

M-683  
Ind. No. 464/07

Jose Fortunato,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 25, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2009.

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

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

-against-

M-753  
Ind. No. 1397/05

Carlos Barrientos, also known as  
James Paige,  
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 April 4, 2006, 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 defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, and to post the \$15,000 bail in the Supreme Court, the disposition thereof, 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.

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 12, 2009.

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

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

-against-

M-760  
Ind. No. 4908/07

Ousame Sam,  
Defendant-Appellant.

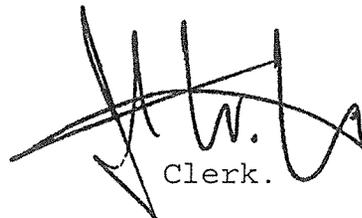
-----X

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 February 6, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Theodore M. Herlich, Esq., and to post the \$3,500 bail in the Supreme Court, the disposition thereof, 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.

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 12, 2009.

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

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

-against-

M-701  
Index No. 400552/08

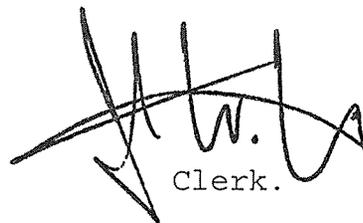
D. Lashley and State Division of  
Human Rights,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 5, 2009 (mot. seq. no. 001), 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 12, 2009.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1023  
Ind. No. 2319/07

Lee Candelario,  
Defendant-Appellant.

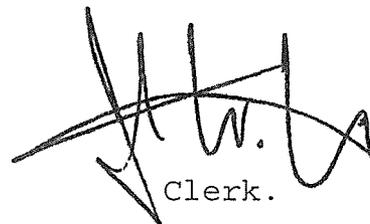
-----X

An order of this Court having been entered on December 16, 2008 (M-5333), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 5, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Susanna De La Pava, Esq., 67 Wall Street, Suite 2211, New York, NY 10005, Telephone No. (212)709-8315, 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 12, 2009.

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

-----X  
George Minadis, et al.,  
Plaintiffs-Respondents,

-against-

M-424  
Index No. 15967/99

The City of New York,  
Defendant-Appellant,

-and-

WM of New York, Inc., formerly known as  
Waste Management of New York, Inc.,  
et al.,  
Defendants-Respondents.

-----X

Defendant-appellant 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 April 21, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 12, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X

In re Frederick Franklin,  
Petitioner-Appellant,

-against-

M-481  
Index No. 400676/03

Ann Schwartz, Records Access  
Officer, etc.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of the decision and order of this Court entered on December 18, 2008 (Appeal No. 4862),

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 12, 2009.

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

-----X  
In re Charla Bikman, etc.,  
Petitioner-Respondent,

-against-

M-280  
Index No. 113348/06

New York City Loft Board,  
Respondent-Appellant.

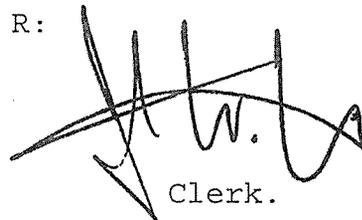
-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 30, 2008 (Appeal No. 4941),

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 12, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Menahem Neuman, individually,  
Plaintiff-Appellant,

Menahem Neuman, on behalf of all  
others similarly situated,  
Plaintiff,

M-573  
Index No. 106849/05

-against-

Century 21 Department Stores 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 December 18, 2008 (Appeal No. 4847),

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 12, 2009.

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

-----X  
Michael Jaglom, et al.,  
Plaintiffs-Respondents,

-against-

M-219  
Index No. 603574/06

Insurance Company of Greater New York,  
Defendant-Appellant.

-----X

Defendant-appellant 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 16, 2008 (Appeal No. 4639),

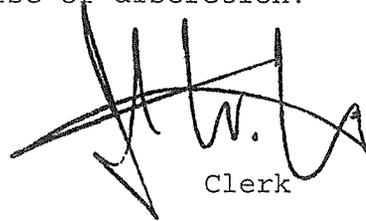
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent that it seeks reargument, is denied. To the extent that the motion seeks leave to appeal to the Court of Appeals, the motion is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 12, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

-----X  
The People of the State of  
New York, by Andrew M. Cuomo,  
Plaintiff-Respondent-Appellant,

-against-

M-523  
Index No. 401110/06

H&R Block, Inc., et al.,  
Defendants-Respondents,

H&R Block Tax Services, Inc., et al.,  
Defendants,

H&R Block Financial Advisors, Inc.,  
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent H&R Block Financial Advisors, Inc. and defendants-respondents H&R Block, 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 January 6, 2009 (Appeal No. 4543),

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 12, 2009.

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

-----X  
Annemarie Vigliano,  
Plaintiff-Appellant,

-against-

M-771  
Index No. 350536/06

Joseph Vigliano,  
Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 30, 2009 (mot. seq. no. 001),

And plaintiff-appellant having moved for an order staying the release of certain funds pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

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 12, 2009.

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

-----X  
Kisha Mickens, et al.,  
Plaintiffs-Appellants,

-against-

M-509  
Index No. 17260/06

Omar Khalid, et al.,  
Defendants-Respondents.

-----X

An order of this Court having been entered on January 22, 2009 (M-5779), granting plaintiffs-appellants an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 18, 2007, and said appeal having been perfected for the May 2009 Term,

And defendants-respondents having moved for dismissal of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2009.

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

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

-against-

M-729  
Ind. No. 95050/05

Jisun Allah,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about January 22, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2009.

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

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

-against-

Orlando Melecio,  
Defendant-Appellant.

M-704  
Ind. Nos. 582/07  
3744/06

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 12, 2008, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

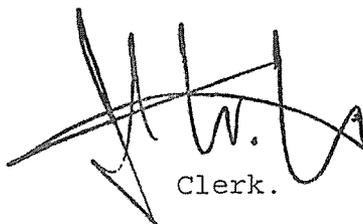
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 12, 2009.

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

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

-against-

M-693  
Ind. No. 1504/07

Demetrius Hill,  
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 May 6, 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 12, 2009.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-705  
Ind. No. 57/06

Eddy Momplaisir,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about October 4, 2007, for a copy of the trial transcripts and for an enlargement of time in which to file said 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 July 13, 2009 for the September 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material 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 12, 2009.

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

-----X  
Debra Mandracchia-Scott, as  
Administratrix of the Estate  
of Craig B. Scott, Deceased,  
Plaintiff-Respondent,

-against-

M-545  
Index No. 8037/07

170 East End Avenue, LLC, Plaza  
Construction, Inc.,  
Defendants-Appellants,

-and-

New York Crane & Equipment Corp.,  
and Bay Crane Service Inc.,  
Defendants-Respondents.

-----X  
170 East End Avenue, LLC, Plaza  
Construction, Inc.,  
Third-Party Plaintiffs-Appellants,

-against-

Third-Party  
Index No. 83805/08

The City of New York, The New York  
City Fire Department, EMT John Doe #1,  
EMT John Doe #2, EMT John Doe #3 and  
EMT John Doe #4,  
Third-Party Defendants-Respondents.

-----X

-----X  
 170 East End Avenue, LLC, Plaza  
 Construction, Inc.,  
 Second Third-Party  
 Plaintiffs-Appellants,

-against-

Second Third-Party  
Index No. 83850/08

Lenox Hill Hospital,  
 Second Third-Party  
 Defendant-Respondent.

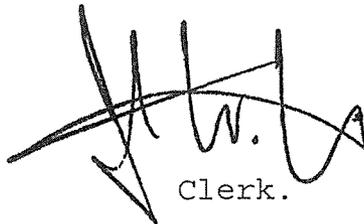
-----X

Defendants/third-party plaintiffs/second third-party plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 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 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 12, 2009.

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

-----x  
Broadway-Leonard Development, LLC,  
Plaintiff-Appellant/  
Plaintiff-Respondent-Appellant,

-against-

M-2  
M-137  
Index No. 104337/07

Albert Russo, et al.,  
Defendants-Respondents/  
Defendants-Appellants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 16, 2007 (mot. seq. no. 002); and an appeal and cross appeal having been taken from the order of said Court entered on or about January 10, 2008 (mot. seq. no. 003), respectively,

And an order of this Court having been entered on November 6, 2008 (M-4739), consolidating the appeals and cross appeal and enlarging the time in which to perfect same to the March 2009 Term,

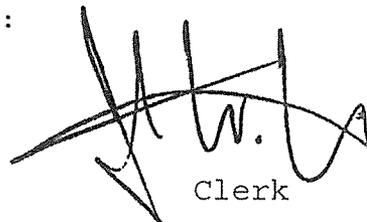
And plaintiff having moved for an enlargement of time in which to perfect the consolidated appeals and cross appeal (M-2),

And defendants having cross-moved for the aforesaid relief (M-137),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time in which to perfect the consolidated appeals and cross 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 12, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X

Edith Harari,  
Petitioner-Respondent,

-against-

M-708

Index No. 350623/06

Donald Davis,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for, inter alia, reargument of the decision and order of this Court entered on February 5, 2009 (Appeal No. 5187), for a stay of proceedings in Supreme Court, New York County, pending hearing and determination of the instant motion, 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.

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 12, 2009.

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

-----X  
Alexander Breytman,  
Plaintiff-Appellant,

-against-

Olinville Realty, LLC, et al.,  
Defendants-Respondents.

M-432  
M-433  
Index No. 402940/04

-----X

Plaintiff-appellant having moved for a temporary stay of the orders of the Supreme Court, New York County, entered on or about December 12, 2008 (mot. seq. nos. 022-025) and January 20, 2008, respectively, pending hearing and determination of the appeals taken therefrom, and for leave to prosecute the appeals as a poor person (M-432),

And defendants having cross-moved for monetary sanctions, and for an order enjoining plaintiff from commencing any further litigation against defendant without prior leave of the Court (M-433),

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

It is ordered that the motion is denied (M-432). The cross motion is granted to the extent of enjoining plaintiff from initiating any further motion practice in Supreme Court or in this Court in the action bearing New York County Index No. 402940/04; the cross motion is otherwise denied without prejudice to remedies in Supreme Court (M-433). The attention of the parties is directed to Part 130 Subpart 130-1 of the Rules of the Chief Administrator with respect to the award of costs and the imposition of financial sanctions for frivolous conduct in civil litigation.

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 12, 2009.

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

-----X  
Marcela Alvarez, as administratrix of  
the Estate of Aixa Maria Hernandez,  
Decedent, and Marcela Alvarez,  
individually,  
Plaintiff-Appellant,

-against-

M-933  
Index No. 16039/06

Park Crest East Condominium  
Association, 21st Century Renovations,  
Ltd. and 100 Caryl Avenue Realty Corp.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 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 granted on condition that the appeal is perfected for the September 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John T. Buckley  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of the Application of  
Cornisha Cherry,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-82  
Index No. 113221/07

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

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

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

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

It is ordered that the motion is denied.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2009.

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

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

Rosana R.,  
Petitioner-Appellant,

-against-

M-656  
Docket No. F3954-02/07E

James M.,  
Respondent-Respondent.

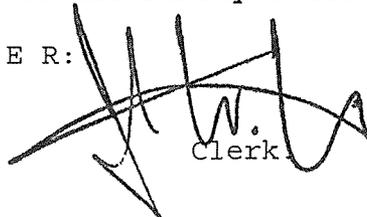
-----X

Petitioner-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 March 31, 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, Howard Simms, Esq., 295 Greenwich St., Suite 222, New York, NY 10007, Telephone No. 646-485-4009, 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 therefor<sup>1</sup> 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

---

<sup>1</sup>Service 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 12, 2009.

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

-----x  
Canal Carting, Inc. and Canal  
Sanitation,

Petitioners-Respondents,

-against-

M-507  
Index No. 107454/07

City of New York Business Integrity  
Commission,

Respondent-Appellant.  
-----x

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about April 4, 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 the time in which to perfect the appeal to the September 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 12, 2009.

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

-----X  
Gunn, Steers & Company, L.L.C.  
and John F. Gunn,  
Plaintiffs-Appellants,

-against-

M-789  
Index No. 602318/07

William M. Steers,  
Defendant-Respondent.

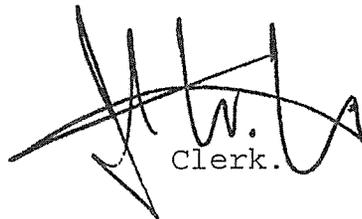
-----X

Plaintiffs having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 6, 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 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 12, 2009.

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

-----X  
Sterling National Bank,

Plaintiff-Appellant/Appellant-  
Respondent,

-against-

M-741  
Index No. 602395/05

Fashion Associates,

Defendant-Respondent/Respondent-  
Appellant.

-----X

Plaintiff having taken appeals from the order of the Supreme Court, New York County, entered on or about May 6, 2008 (mot. seq. no. 002), from the judgment and order (one paper) of said Court, entered on or about May 6, 2008 [Appeal No. 1], and from the order and judgment of said Court, both entered on or about December 24, 2008 (mot. seq. no. 003) [Appeal No. 2],

And defendant having taken a cross appeal from said order and judgment of the Supreme Court, New York County, both entered on or about December 24, 2008 [Appeal No. 2],

And plaintiff having moved to enlarge the time in which to perfect the appeal taken from the aforesaid order and the judgment and order (one paper) both entered on or about May 6, 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 granted to the extent of sua sponte consolidating the appeals and cross appeal and directing the respective parties to perfect the consolidated appeals and cross appeal for the November 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.

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 12, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Luis A. Gonzalez  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X

Susan Rowley,  
Plaintiff-Respondent,

-against-

M-951  
Index No. 301471/06

Mark J. Amrhein,  
Defendant-Appellant.

-----X

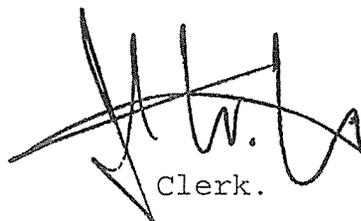
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about March 12, 2008,

And plaintiff-respondent having moved for leave to file a supplemental record consisting of Exhibits B and C to the moving papers, 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 plaintiff to file a supplemental record to include the aforesaid exhibits, and the appeal is adjourned to the May 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 12, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Luis A. Gonzalez  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Edward Hanley,  
Plaintiff-Respondent,

-against-

M-985  
Index No. 28084/01

NYP Holdings, Inc., doing business as  
New York Post, The News Corporation,  
Ltd., McClier Corporation,  
Defendants-Respondents-Appellants,

Safeway Steel Products, Inc.,  
Allsafe Height Contracting Corp.,  
Defendants-Respondents,

-and-

Hirani Engineering and Land Surveying,  
P.C.,  
Defendant-Appellant-Respondent.

-----X  
McClier Corporation, NYP Holdings, Inc.  
and The News Corporation, Ltd.,  
Third-Party Plaintiffs,

-against-

Third-Party  
Index No. 83439/02

Fred Geller Electric, Safeway Scaffolding  
and Hirani Engineering and Land Surveying,  
P.C.,  
Third-Party Defendants.

-----X

An appeal and a cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 5, 2007,

And defendants-respondents-appellants NYP Holdings, Inc., doing business as New York Post, The News Corporation, Ltd., and McClier Corporation having moved for a stay of trial pending hearing and determination of the aforesaid appeal and cross appeal,

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

It is ordered that the motion is granted.

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 12, 2009.

Present - Hon. David B. Saxe, Justice Presiding,  
Luis A. Gonzalez  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
In re Petition to Vacate an Adoption  
Decree, in the Adoption of John Doe,  
Adoptee.

L.M.B.,  
Petitioner-Respondent,  
  
-against-

SEALED  
M-6128  
File No. 2875/06

E.R.J.,  
Respondent-Appellant.

-----X

Respondent-appellant 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 25, 2008 (Appeal No. 3355),

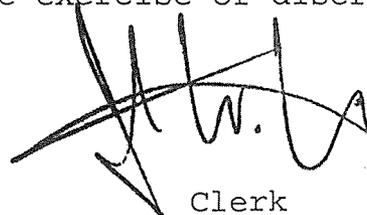
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent that it seeks reargument, is denied. To the extent that the motion seeks leave to appeal to the Court of Appeals, the motion is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of the Surrogate's Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 12, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Leland G. DeGrasse, Justices.

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

-against-

M-584  
Ind. No. 5782/07

Orestes Montes,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 21, 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,

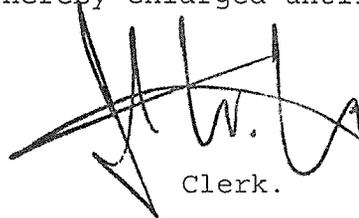
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal as 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.

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 12, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Leland G. DeGrasse, Justices.

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

-against-

M-575  
Ind. No. 2692/08

Daniel Tafesse,  
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 November 13, 2008, 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 granted only to the extent of deeming the notice of appeal as 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, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 12, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Leland G. DeGrasse, Justices.

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

-against-

M-579  
Ind. No. 8433/99

Francisco Cintron,  
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 December 12, 2008, 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 granted only to the extent of deeming the notice of appeal as 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, pursuant to CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Lori Cohen, of Cohen & Funk, P.C., the amount and sources of funds to pay 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.

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 13, 2009.

Present - Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X

Stuart L. Melnick, et al.,  
Plaintiffs-Appellants,

-against-

M-734  
Index No. 109218/07

Fred Khoroushi, et al.,  
Defendants-Respondents,

Heidi Liebowitz,  
Defendant.

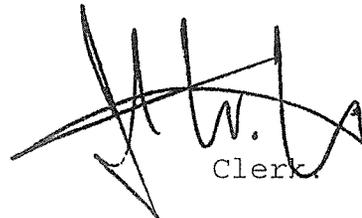
-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on December 30, 2008 (Appeal No. 4924N),

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

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-51  
Ind. No. 6883/95

-against-

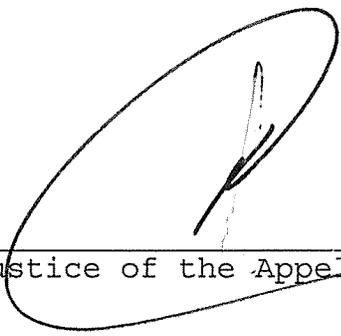
CERTIFICATE  
DENYING LEAVE

Stanley Jackson,  
Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, (Martin Marcus, J.), entered on or about August 6, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
March 5, 2009

  
Justice of the Appellate Division

**ENTERED** MAR 12 2009

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-108  
Ind. No. 1750/06

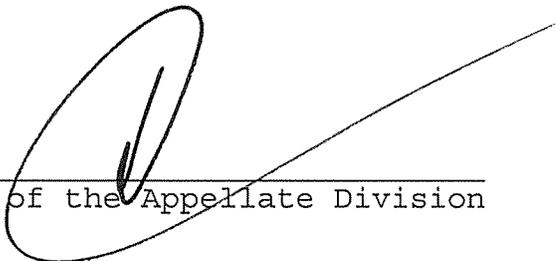
-against-

CERTIFICATE  
DENYING LEAVE

Tchaka Brown,  
Defendant.  
-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, (Roger S. Hayes, J.), entered October 15, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
March 5, 2009

  
\_\_\_\_\_  
Justice of the Appellate Division

**ENTERED**

MAR 12 2009

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-274  
Ind. No. 73/02

-against-

CERTIFICATE  
DENYING LEAVE

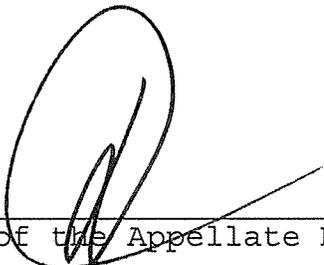
Henry Barrington,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, (Edward M. Davidowitz, J.), entered December 24, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
March 5, 2009

  
Justice of the Appellate Division

ENTERED

MAR 12 2009

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-302  
Ind. No. 1331/59

-against-

CERTIFICATE  
DENYING LEAVE

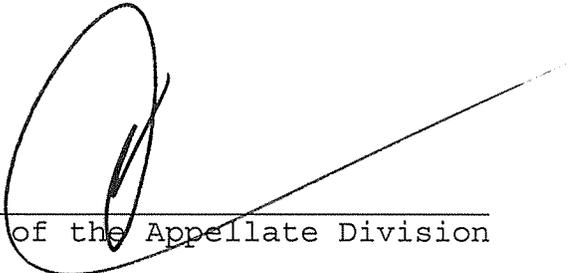
Burton Pugach,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, (Martin Marcus, J.), entered January 6, 2009, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
March 5, 2009

  
\_\_\_\_\_  
Justice of the Appellate Division

ENTERED MAR 12 2009

STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT  
BEFORE: Hon. Richard T. Andrias  
Justice of the Appellate Division  
-----X

The People of the State of New York,

M-6002  
Ind. No. 4081/06

-against-

Michael Argentieri,  
Defendant-Appellant.

ORDER DENYING  
RECONSIDERATION OF  
MOTION FOR  
ROR OR BAIL  
PENDING APPEAL

-----X

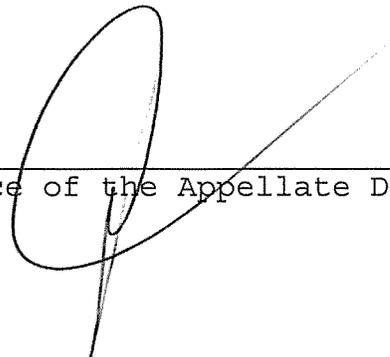
An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County (Carol Berkman, J.), rendered July 19, 2007, and defendant having moved for reconsideration of my order, entered November 13, 2008 (M-4465), which denied his motion, pursuant to CPL 460.50 and 530.50, for an order of recognizance or to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: March 5, 2009  
New York, New York

\_\_\_\_\_  
Justice of the Appellate Division



ENTERED

MAR 12 2009

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-6091  
Ind. No. 3663/02

-against-

CERTIFICATE  
DENYING LEAVE

Roberto Williams t/n Robert Williams,  
Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, (Caesar D. Cirigliano, J.), entered November 25, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
March 5, 2009

Justice of the Appellate Division

**ENTERED**

**MAR 12 2009**