

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 19, 2009.

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

-----X
Patricia Cherry,
Plaintiff,

-against-

M-1143X
Index No. 103641/06

Akam Associates, Inc., The 350
East 62nd Street Condominium and
Carmen Pacheco and Ramon Lopez,
Defendants-Appellants,

Allied Barton
Security Services, LLC and Initial
Security, LLC,
Defendants.

-----X
Akam Associates, Inc., The 350
East 62nd Street Condominium,
Third-Party Plaintiffs,

-against-

Third Party
Index No. 590397/07

Allied Barton Security Services and
Initial Security,
Third-Party Defendants-Appellants,

Ramon Lopez,
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 9, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 5, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 19, 2009.

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

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

-against-

M-1156
Ind. No. 4404/01

Donny Claudio,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 13, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated February 24, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 19, 2009.

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

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

-against-

Michael Villanueva,
Defendant-Appellant.

M-1157
Ind. No. 4109/07
Case No. 63721C/07

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 3, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated March 4, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2009.

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

-----X
Joaquin Campuzano, et al.,
Plaintiffs-Respondents,

-against-

M-818
Index No. 22636/04

Board of Education of the City of
New York, et al.,
Defendants-Appellants.

-----X
Board of Education of the City of
New York, et al.,
Third-Party Plaintiffs,

Index No. 85040/06

-against-

LVI Environmental,
Third-Party Defendants.

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

Index No. 85577/06

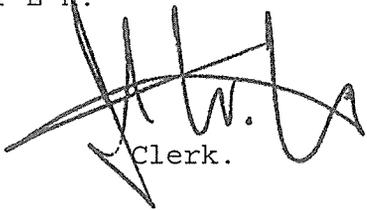
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 19, 2008,

And defendants/third-party plaintiffs-appellants Board of Education of the City of New York, et al. having moved for a stay of proceedings pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, filed March 6, 2009, and due deliberation having been had thereon, it is

Ordered that the motion is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2009.

PRESENT - Hon: Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----X
349 Amsterdam Avenue Corp.,

Plaintiff-Appellant,

-against-

M-901
Index No. 106442/06

Good Sports Ltd. Partnership &
Good Sports of New York, Inc.,

Defendants-Respondents.
-----X

Plaintiff-appellant 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 July 6, 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 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 19, 2009.

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

-----X
B.J.K., doing business as
Chem Rx,
Plaintiff-Respondent,

-against-

M-190
Index No. 601206/08

Margaret Tietz Nursing &
Rehabilitation Center,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the orders of the Supreme Court, New York County, entered on or about August 12, 2008 and October 31, 2008 (mot. seq. no. 001), respectively,

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 dismissing the appeal unless it is perfected for the September 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendant-appellant within 10 days from the date of entry hereof.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2009.

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

-----X
Ellen Spodek,
Plaintiff-Respondent,

-against-

Jane Barrett, Jane N. Barrett &
Associates LLC,
Defendant-Appellant.

M-353
M-768
Index No. 401810/07

-----X

Plaintiff having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 11, 2008 (mot. seq. no. 002),

And defendant-appellant having cross moved to dismiss the entire action for lack of jurisdiction,

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 aforesaid appeal is dismissed (M-353). The cross-motion is denied (M-768).

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 19, 2009.

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

-----X

Charles Rochester,

Plaintiff-Appellant,

-against-

M-7

Index No. 340931/07

John Mattingly, Commissioner of
Administration for Children's
Services, et al.,

Defendants-Respondents.

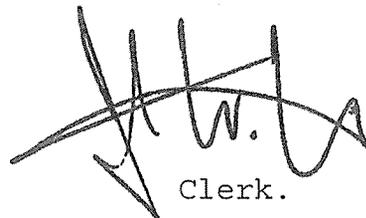
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about September 4, 2008, for leave to have the appeal heard upon the original record and upon 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 granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent(s) and file 10 copies of such brief, together with the original record, with this Court on or before July 23, 2009 for the September 2009 Term. Appellant is permitted to dispense with payment of the required fee for the subpoena and 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 19, 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-754

Ind. No. 880/07

Rohan Dobson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 9, 2008, for leave to have the appeal heard upon 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, David J. Druckman, Esq., 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.)

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 19, 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-764

Ind. No. 1247/08

Anibal Vasquez,

Defendant-Appellant.

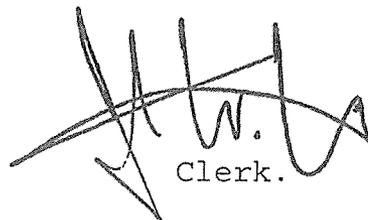
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 21, 2009, for leave to have the appeal heard upon 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Richard C. Southard, Esq., 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.)

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 19, 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-4623
M-5132 (DC #36)
Ind. No. 3080/04

Ralph Hall,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 16, 2006 (M-5477), granting poor person relief and assigning Steven Banks, Esq., The Legal Aid Society, as counsel for defendant for purposes of prosecuting the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 7, 2005,

And an order of this Court having been entered April 3, 2008 (M-147), inter alia, denying defendant-appellant's application for a writ of error coram nobis as premature,

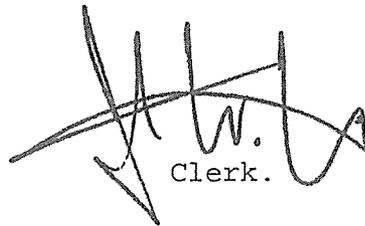
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules and Practice of the Appellate Division, First Department (M-5132 [DC #36]),

And defendant-appellant pro se, inter alia, 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 (M-4623),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon, and upon the Court's own motion (M-5132 [DC #36]),

It is ordered that said application is denied as premature (M-4623) and, sua sponte, appellant's time in which to perfect the appeal is enlarged to the September 2009 Term (M-5132 [DC #36]) and counsel is directed to so perfect.

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 19, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
John T. Buckley
James M. Catterson, Justices.

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

-against-

M-5746
Ind. No. 4232/00

Anthony Bello,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 1, 2005 (Appeal No. 6940), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on April 16, 2002,

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 19, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

-----X
Hotel 71 Mezz Lender LLC,
Plaintiff-Respondent,

-against-

Robert D. Falor, et al.,
Defendants-Appellants,

SEALED

M-227

Index No. 601175/07

Amy Mitchell,
Defendant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 16, 2008 (Appeal Nos. 4043N, 4043NA, 4043NB),

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 reargument, is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of 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.

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 19, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
James M. McGuire, Justices.

-----X
Craig Crawford,
Plaintiff-Appellant,

-against-

M-212
Index No. 113702/04

Liz Claiborne, Inc., et al.,
Defendants-Respondents.
-----X

Plaintiff-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 1, 2007 (Appeal No. 995),

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 19, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
Karla Moskowitz, Justices.

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

-against-

M-3357
Ind. No. 8512/98

Darius Harrison,
Defendant-Appellant.

-----X

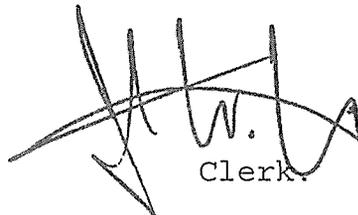
A decision and order of this Court having been entered on April 6, 2004 (Appeal No. 3313), unanimously affirming a judgment of the Supreme Court, Bronx County (Robert Straus, J.), rendered on April 3, 2000,

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 19, 2009.

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

-----X
111 Realty Co.,
Petitioner-Landlord-Appellant,

-against-

M-698
Index No. 570841/07

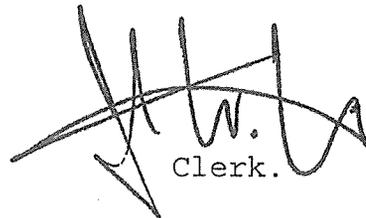
Stanislawa Sulkowska,
Respondent-Tenant-Respondent.
-----X

Petitioner-landlord-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 October 17, 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.

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 19, 2009.

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

-----X
Wellstone Mills, LLC,
Petitioner-Appellant,

-against-

M-984
Index No. 110981/08

Dillon Yarn Corporation,
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 3, 2009 (mot. seq. no. 001),

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

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2009.

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

-----X
Zarah Haxhaj, an infant under the age of seven (7) years, by her mother and natural guardian, Yasmin Haxhaj, and Yasmin Haxhaj, Individually, Plaintiffs-Appellants,

-against-

M-992
Index No. 109624/03

The Central Park Conservancy,
Defendant-Respondent,

-and-

The City of New York,
Defendant.

-----X

Plaintiffs-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 May 5, 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.

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 19, 2009.

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

-----X
Roger Kline,
Plaintiff-Respondent,

-against-

M-946
Index No. 350760/05

Susan Ferris Kline,
Defendant-Appellant.

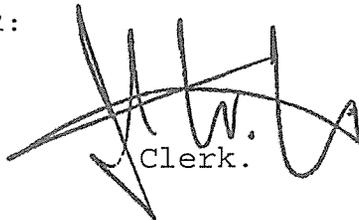
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 26, 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.

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 19, 2009.

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

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

-against-

M-4866
Ind. No. 6182/07

Jeffrey Rodriguez,

Defendant.
-----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 July 16, 2008, and for related relief,

And defendant, pro se, having informed the Court by correspondence dated October 17, 2008 that he wishes to withdraw his prospective appeal,

And a letter having been issued by the Court to defendant on October 30, 2008, advising defendant of the consequences of not proceeding with the appeal, and due deliberation having been had thereon,

It is ordered that the prospective appeal is deemed withdrawn.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-5062
DC #11
Ind. No. 408/02

Alkim Billip, also known as
Alkim Billips,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 20, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having responded thereto,

Now, upon the Court's own motion,

It is ordered that the motion is deemed withdrawn, the aforesaid appeal having already been perfected on February 27, 2009.

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 19, 2009.

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

-----X
Arthur Morrison,
Plaintiff-Appellant,

-against-

M-420
Index No. 402075/03

Ellen Yaroshefsky,
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 July 27, 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 19, 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-795
Ind. No. 2923/04

Apolinar Roque,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 22, 2009 (M-5890), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 23, 2008,

And assigned counsel, Robert S. Dean, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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 19, 2009.

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

-----X
Gryphon Domestic VI, et al.,
Plaintiffs/Judgment Creditors-
Appellants,

-and-

Warner Mansion Fund,
Plaintiff/Judgment Creditor,

M-535
Index No. 603315/02

-against-

APP International Finance Company, B.V.,
et al.,
Defendants/Judgment Debtors,

-and-

P.T. Indah Kiat Pulp & Paper Corporation,
Defendant/Judgment Debtor-
Respondent,

-and-

ABN Amro Bank N.V., DBS Bank Ltd., and
White & Case LLP,
Non-Party Respondents.

-----X

Plaintiffs-appellants Gryphon Domestic VI, et al. 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 February 15, 2005 (mot. seq. no. 018),

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.

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 19, 2009.

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

-----X
Rabbi Milton Balkany,
Plaintiff-Appellant,

-against-

M-604
Index No. 112604/04

Village Voice Media, Inc., Tom
Robbins and Alexander Zakharov,
Defendants-Respondents.

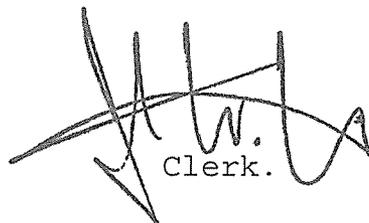
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 25, 2008 (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 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 19, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

Respondent,
-against-

M-5076
DC #17
Ind. No. 5737/99

Jose Carrion,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 3, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

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

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 19, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

Respondent,

M-5126

DC #28

-against-

Ind. No. 10589/97

Wilson Feliciano,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 5, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

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

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 19, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

Respondent,

M-5159

DC #63

-against-

Ind. No. 5172/04

Junior Ortiz,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 13, 2005,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

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

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 19, 2009.

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

-----X
Susan Angel,

Plaintiff-Appellant,

-against-

M-469
Index No. 350072/05

Christopher O'Neill,

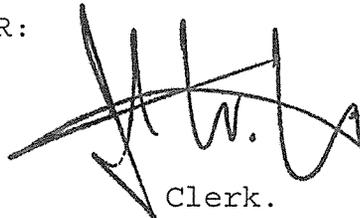
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about January 9, 2009, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
Castle Village Owners Corp.,
Plaintiff,

-against-

Greater New York Mutual
Insurance Company, et al.,
Defendants.

M-361
Index Nos. 604415/05
590264/07
590302/07

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

Langan Engineering and Environmental
Services, Inc., et al.,
Second Third-Party
Plaintiffs-Respondents,

-against-

Mueser Rutledge Consulting Engineers,
Second Third-Party
Defendant-Appellant.

-----X

Second third-party defendant-appellant Mueser Rutledge Consulting Engineers having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 2, 2008 (Appeal No. 4352),

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 19, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

Double C Realty Corp.,
Plaintiff-Appellant,

-against-

M-747
Index No. 7601/07

Craps, LLC,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on January 13, 2009 (Appeal No. 5031),

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 19, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Adelaido Tapia,
Plaintiff-Appellant,

-against-

M-671
Index No. 7556/05

MCSAM Management, LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 20, 2008,

And an order of this Court having been entered on June 10, 2008 (M-2597), conditionally granting plaintiff a stay of trial pending hearing and determination of the aforesaid appeal,

And plaintiff-appellant having moved for an order vacating said stay so the matter may be restored to the Supreme Court's trial calendar,

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

Ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
In the Matter of

Margarita O.,

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

M-5394
Docket No. B-9262/06

Edwin Gould Services For Children
and Families, et al.,
Petitioners-Respondents,

William O.,
Respondent-Appellant.

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

Petitioner-respondent agency having moved for dismissal of the appeal taken from an order of the Family Court, Bronx County, entered on or about October 25, 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.

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 19, 2009.

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

-----X
Barnan Associates,
Plaintiff-Appellant,

-against-

M-6169
Index No. 102681/06

196 Owners Corp.,
Defendant-Respondent.
-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 18, 2008 (Appeal No. 4212),

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 19, 2009.

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

-----X
Raymond H. Wong, et al.,
Plaintiffs-Respondents,

-against-

M-415
Index No. 107913/04

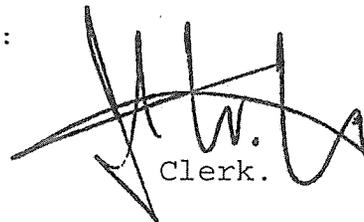
Shiu Lun Lee,
Defendant-Appellant.
-----X

Plaintiffs-respondents having moved to dismiss the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 23, 2008,

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

Ordered that the motion is granted and the appeal is dismissed.

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 19, 2009.

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

-----X
Tai Ping Chen,
Plaintiff,

-against-

M-558
Index No. 108596/03

Citibank, et al.,
Defendants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 13, 2007,

And an order of this Court having been entered January 8, 2009 (M-5630), inter alia, denying plaintiff's motion for an enlargement of time in which to perfect the appeal and, sua sponte, dismissing said appeal,

And plaintiff having moved for renewal and/or reconsideration of the aforesaid order (M-5630),

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 JUDICIAL DEPARTMENT

BEFORE: **Hon. Luis A. Gonzalez**
Justice of the Appellate Division

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

M-5805
Ind. No. 5844/06

-against-

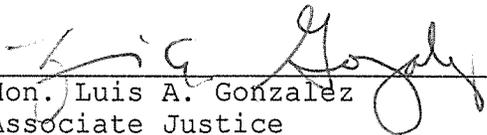
CERTIFICATE
GRANTING LEAVE

William Gray,
Defendant-Appellant.
-----X

I, Luis A. Gonzalez, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about November 12, 2008.¹

Dated: *March 11*, 2009
New York, New York

ENTERED MAR 19 2009


Hon. Luis A. Gonzalez
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 492
Ind. No. 4198/06

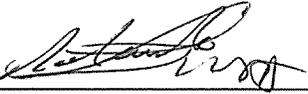
-against-

REARGUMENT
DENIED
CERTIFICATE
DENYING LEAVE

Davidson Noel,

Defendant.
-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the denial of a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, entered December 30, 2008, and upon the record and proceedings herein, on the basis that there is no question of law or fact presented which was overlooked, reargument of the order, which denied permission to appeal from the order of the Supreme Court, New York County, entered on or about October 30, 2008, is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: March 9, 2009
New York, New York

ENTERED: MAR 19 2009

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

M- 659
Ind. No. 2068/2003

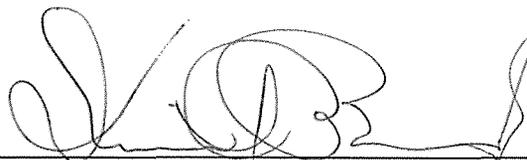
-against-

CERTIFICATE
DENYING LEAVE

Guillermo Acevedo,
Defendant.

-----X

I, Dianne T. Renwick, 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 17, 2008, is hereby denied.



Hon. Dianne T. Renwick
Associate Justice

Dated:
New York, New York

ENTERED: MAR 19 2009

PM ORDERS

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 19, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

-----x
In the Matter of the Application of
Hotel 71 Mezz Lender, LLC,
Petitioner-Respondent,

For a Judgment Pursuant to CPLR 5225(b)
to Compel Payment of Money and Delivery
of Property

-against-

M-812
Index No. 603722/08

Albert Rosenblatt, in his capacity as
former Receiver,
Respondent-Respondent,

Guy T. Mitchell and Mitchell Hotel
Group, LLC,
Intervenors-Respondents/Cross-Claim
Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 11, 2009 (mot. seq. nos. 001, 002)

And intervenors-respondents/cross-claim appellants having moved, pursuant to CPLR 5519(c), for a stay of all proceedings, including the turnover 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 granted on condition the appeal is perfected for the June 2009 Term, with special dates. The record and brief are to be served and filed on or before April 10, 2009, respondent(s) brief to be served and filed on or before May 8, 2009, and the reply brief, if any, to be served

and filed on or before May 18, 2009. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent(s) 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 19, 2009.

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

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

-against-

Kenneth Cameron,
Defendant-Appellant.

M-829
Ind. Nos. 6646/06
4194/04

-----X

The People having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 9, 2007,

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

It is ordered that the motion is granted and the appeal is dismissed.

E N T E R:


Clerk.