

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 24, 2009.

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

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

James Petty,

Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1166
Index No. 100393/08

Shaun Donovan, as Commissioner of the
Department of Housing Preservation and
Development of the City of New York,

Respondents.

-----X

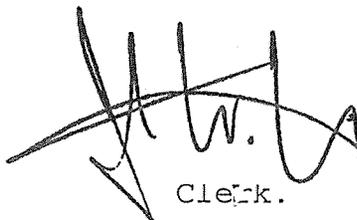
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 10, 2008, to review a determination by respondent Department of Housing Preservation and Development of the City of New York,

And the parties having moved to withdraw the proceeding, and for related relief,

Now, upon reading and filing the stipulation of the parties hereto, dated March 5, 2009, and due deliberation having been had thereon,

It is ordered that the proceeding, previously perfected for the March 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 2009.

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

-----X
In the Matter of the Application of
Andrea Guity,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-1184
Index No. 400806/08

-against-

The New York City Department of
Housing Preservation and Development
and Shaun Donovan as Commissioner of
the Department of Housing Preservation
and Development,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 3, 2008 (mot. seq. no. 001), to review a determination of respondents,

And the parties having moved to withdraw the aforesaid proceeding,

Now, upon reading and filing the stipulation of the parties hereto, dated February 23, 2009, and due deliberation having been had thereon,

It is ordered that the proceeding, previously perfected for the April 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 2009.

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

-----X

In the Matter of a Custody/Visitation Proceeding Under Article 6 of the Family Court Act.

M-750

Ralph V.,
Petitioner-Appellant,

Docket Nos. V15343-01
V15343-01/01A
V15343-01/02B
V15343-01/03C
V15343-01/05D
V15343-01/05E

-against-

Elizabeth V., also known as
Elizabeth A.,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about December 19, 2007,

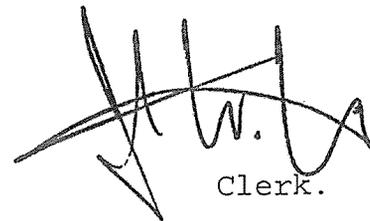
And an order of this Court having been entered January 29, 2009 (M-6190) inter alia enlarging appellant's time in which to perfect said appeal to the May 2009 Term,

And petitioner-appellant having moved for an order directing the Family Court to transfer the entire trial record to this Court and further enlarging the time in which to perfect 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 and the aforesaid appeal 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 24, 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 Application of
Franklyn R. Bonfante,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-379
M-586
Index No. 107263/07

Shaun Donovan, as Commissioner of
the New York City Department of
Housing Preservation and Development,
et al.,

Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 25, 2008 (mot. seq. no. 001),

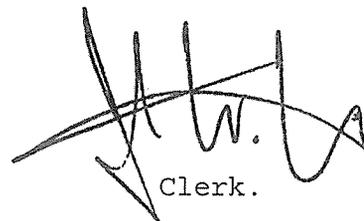
And petitioner-appellant having moved for leave to prosecute the appeal as a poor person, upon the original record and reproduced petitioner's brief, and for a stay of eviction proceedings pending hearing and determination of the aforesaid appeal (M-379),

And respondents-respondents having cross-moved for dismissal of the aforesaid appeal (M-586),

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, the cross 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 24, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

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

Respondent,

-against-

Anthony Letterio,

M-685

Case No. 54169C/04
Ind. No. 4366/06

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, Bronx County, rendered on or about October 2, 2008, and for leave to prosecute the appeal as a poor person on 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 24, 2009.

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

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

-against-

M-721
Ind. No. 2562/08

Angel M. Rodriguez, also known as
Angel Rodriguez,
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, Bronx County, rendered on or about November 24, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

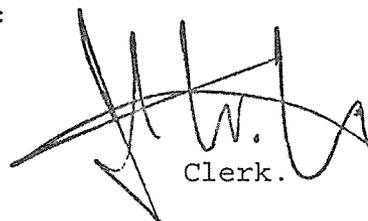
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 24, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

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

-against- M-730
Ind. No. 4635/01

Benjamin Rodriguez,
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 5, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

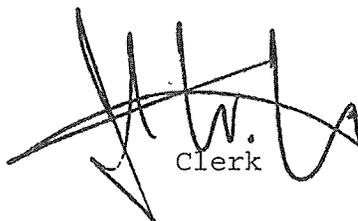
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 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.

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 24, 2009.

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

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

-against-

M-731
Ind. No. 6406/02

Ioan Ciochenda, also known as
Ioan Ciochendea,
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 4, 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 **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.

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 24, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

-against-

M-855
Case No. 56161C/07

Nathaniel A. Sealy, also known as
Nathaniel Sealy,
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 September 16, 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 granted to the extent of permitting the appeal to be heard upon 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 24, 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-963
Ind. No. 338/08

Ryehine Cintron,
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 October 28, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

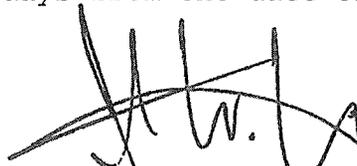
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, 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 24, 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-964
Ind. No. 553/08

Anthony English,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 14, 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 24, 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-965
Ind. No. 1707/07

Pedro Mena,
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 June 9, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

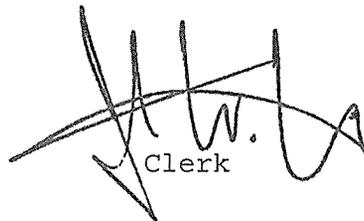
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, 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 24, 2009.

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

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

-against-

M-967
Ind. No. 3130/07

Edwin H. Pollard, also known as
Edwin Pollard,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 5, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

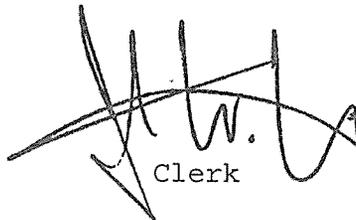
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 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-968
Ind. No. 679/08

Charles Restivo,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 29, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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.

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 24, 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-969
Ind. No. 2755/07

Miguel Reyes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 27, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

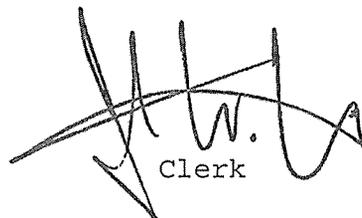
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 24, 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-970
Ind. No. 6506/07

Richard Reyes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 14, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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.

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 24, 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-971
Ind. No. 1952N/08

Ramon Urena,
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 10, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

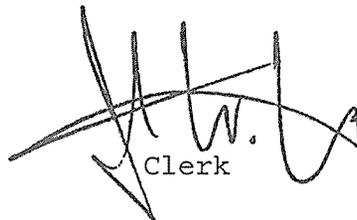
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, 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 24, 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-976
Ind. No. 3378/07

Ariel Enriquez, also known as
Ariel Henriquez,
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 upon the original record and a reproduced appellant's brief, and for related relief,

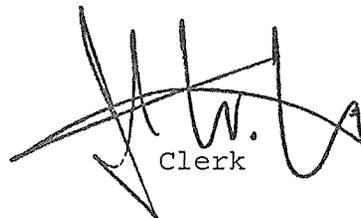
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 24, 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-977
Ind. No. 4895/07

Freddie Gonzalez,
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 September 17, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

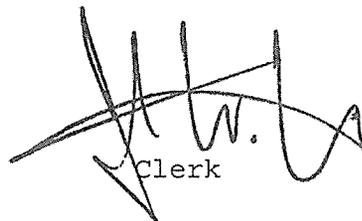
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 24, 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-1022
Case No. 23093C/05

Darren Gunter,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 17, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

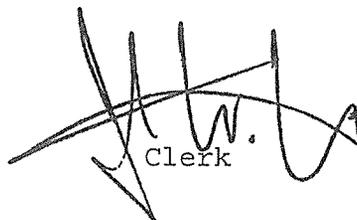
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 24, 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-864
Ind. No. 1840/07

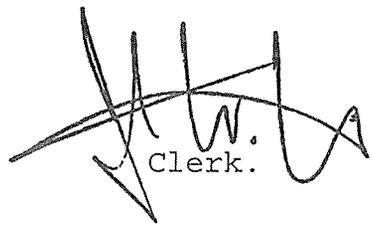
Florence Walker,
Defendant-Appellant.
-----x

Defendant having renewed her 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 August 14, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the sources of funds 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 the appeal.

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 24, 2009.

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

-----X
In the Matter of

Kayla Emily W.,

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

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

M-3217
Docket No. B1429/07

Atara W.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about March 3, 2008, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 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 Application of

Theodore Smith,

Petitioner-Respondent,

M-828

Index No. 117051/07

For a Judgment, etc.,

-against-

The New York City Department of Education,

Respondent-Appellant.

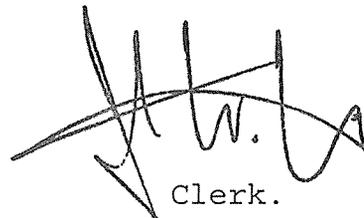
-----X

Respondent-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 May 13, 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. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that respondent serves a copy of this order upon appellant within 10 days 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 24, 2009.

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

-----X
In the Matter of a Proceeding for
Custody and/or Visitation under
Article 6 of the Family Court Act.

Thomas S.,
Petitioner-Respondent,

M-900
Docket Nos. V16893/05
V16894/05
V16895/05

-against-

Latisha S.,
Respondent-Appellant.

Martha Schneiderman, Esq.,
The Children's Law Center,
Law Guardian-Appellant.

-----X
Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, Bronx County, entered on or about October 18, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2009 Term, 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 24, 2009.

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

-----X
Ruby Wilson,
Plaintiff-Appellant,

-against-

M-784
Index No. 112934/03

The New York City Transit Authority,
Defendant-Respondent.

-----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 April 9, 2008 (mot. seq. no. 002),

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

It is ordered that the motion is granted 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 24, 2009.

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

-----X
Maurice Gray,
Plaintiff-Appellant,

-against-

M-817
Index No. 113532/06

The City of New York, New York
Fire Department and Maximo Pena,
Defendants-Respondent.

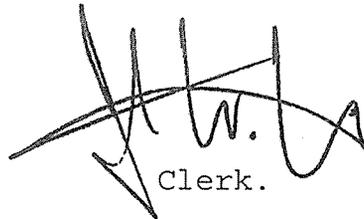
-----X

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 April 23, 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 24, 2009.

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

-----X
In the Matter of
The City of New York,
Petitioner-Appellant,

-against-

M-866
Index No. 404661/06

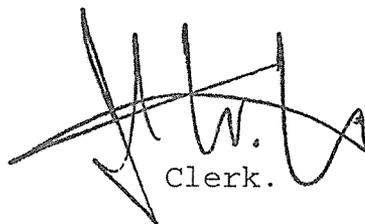
Antonia C. Novello, as Commissioner
of the New York State Department of
Health, and the New York State
Department of Health,
Respondents-Respondents.
-----X

Petitioner-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 January 9, 2008 (mot. seq. no. 001),

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

It is ordered that the motion 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 24, 2009.

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

-----X
Nella Manko,
Plaintiff-Appellant,

-against-

M-889
Index No. 109296/07

Lenox Hill Hospital, et al.,
Defendants-Respondents.

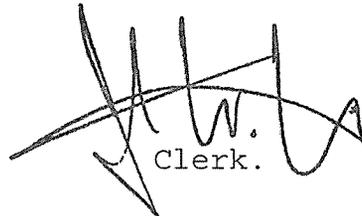
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, both entered on or about February 15, 2008 (mot. seq. nos. 001 and 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 consolidated appeals to the September 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Seneca Insurance Company, Inc., M-1097
Plaintiff-Appellant,
Action No. 1
-against- Index No. 602536/06

J.M.D. All-Star Import Export, Inc.,
et al.,
Defendants-Respondents.

Ajay Sarin, et al.,
Plaintiffs-Respondents,
Action No. 2
-against- Index No. 601453/07

CNA Financial Corporation, et al.,
Defendants-Appellants.
-----X

Separate appeals having been taken to this Court from orders of the Supreme Court, New York County, each entered on or about September 15, 2008 in the respective actions,

And defendants-appellants in Action No. 2, CNA Financial Corporation, et al., having moved for an enlargement of time in which to perfect the respective appeals,

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

It is ordered that the motion is granted, the time of the respective appellants in which to perfect is enlarged to the September 2009 Term, and the Clerk is directed to calendar the appeals for hearing together in said 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 24, 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
Lamont Young, Sr.,
Petitioner,

M-944
Index No. 406452/07

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

Office of Housing Operation/
Division of Tenant Resources, et al.,
Respondents.

-----X
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 26, 2008 (mot. seq. no. 001), to review a determination of respondents,

And petitioner tenant having moved for an enlargement of time in which to perfect the aforesaid proceeding,

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 proceeding to the September 2009 Term, with no further enlargements to be granted. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Sua sponte, the stay of the Civil Court summary eviction proceeding is herewith vacated.

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 24, 2009.

PRESENT - Hon: Angela M. Mazzairelli, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
David Kenig,
Plaintiff-Appellant,

-against-

M-444
Index No. 119128/06

Rada Electronic Industries Ltd.,
Defendant-Respondent.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 21, 2007 (mot. seq. no. 001),

And an order of this Court having been entered December 11, 2008 (M-4988), denying plaintiff's motion for an enlargement of time in which to perfect the appeal,

And plaintiff having moved for reconsideration of the aforesaid order (M-4988),

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 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 24, 2009.

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

-----X
LaShawn P. Allen,
Plaintiff-Respondent,

-against-

M-948
Index No. 570707/07

Harlem International Community School,
Defendant-Appellant.
-----X

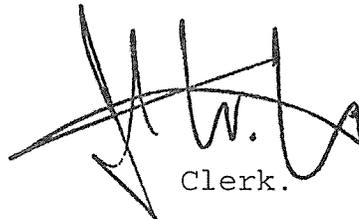
An order of this Court having been entered on December 9, 2008 (M-5391) denying defendant-appellant's motion for leave to appeal from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about June 4, 2008,

And, defendant-appellant having moved for reargument of the aforesaid order (M-5391),

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 24, 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,

-against-

M-722
Ind. No. 262N/06

Anthony Mosley,

Defendant.
-----X

Defendant having renewed his motion 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 October 3, 2007, and for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
John Connolly,
Plaintiff-Respondent,

-against-

M-1018
Index No. 603853/05

Payton Lane Nursing Home, Inc. and
Payton Lane Properties, Inc.,
Defendants-Appellants,

Fairchild Realty Group, Ltd. and
Fairchild Properties Ltd.,
Defendants.

-----X
Payton Lane Nursing Home, Inc.,
Third-Party
Plaintiff-Appellant,

-against-

Index No. 590462/07

Conair Corporation, Inc.,
Third-Party Defendant-Respondent.
-----X

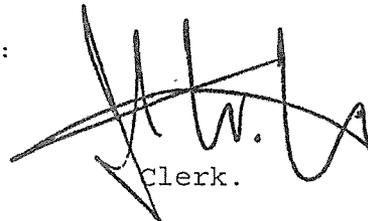
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 12, 2008 (mot. seq. no. 003),

And defendants/third-party plaintiffs-appellants Payton Lane Nursing Home, Inc. and Payton Lane Properties, Inc. having moved for a stay of trial 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 24, 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-

M-863
Ind. No. 1165/07

Felix Hernandez,
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 November 29, 2007, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

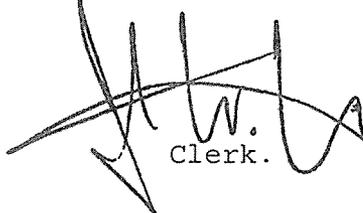
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 24, 2009.

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

-----X
Joanne Pello,
Plaintiff-Respondent,

-against-

Action No. 1
Index No. 107442/07

425 E. 50 Owners Corp., Gary Barbanel,
Individually, and as President and
Director of 425 E. 50 Owners Corp.,
et al.,
Defendants-Appellants.

M-1096

-----X
Joanne Pello,
Plaintiff-Respondent,

-against-

Action No. 2
Index No. 112304/07

425 E. 50 Owners Corp., Gary Barbanel,
Individually, and as President and
Director of 425 E. 50 Owners Corp.,
et al.,
Defendants-Appellants.

-----X
Saundra Fraiman, Saul Fraiman and
Joanne Pello,
Plaintiffs-Respondents,

Index No. 101430/06

-against-

Gary Barbanel, Individually, and as
President of 425 E. 50 Owners Corp.,
et al.,
Defendants-Appellants.

-----X

An order of this Court having been entered on February 26, 2009 (M-460), granting consolidation of the appeals taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 2, 2008, Index No. 107442/07 [Action No. 1], and the order of said Court entered on or about October 29, 2008 (mot. seq. no. 002), Index Nos. 112304/07 and 101430/06 [Action No. 2],

And appellants having moved for a further enlargement of time in which to perfect the consolidated appeals,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before July 13, 2009 for the September 2009 Term. The caption is corrected to reflect the proper parties in conformity with the amended notices of appeal dated December 16, 2008 and January 22, 2009, respectively.

E N T E R:

A handwritten signature in black ink, appearing to be "J. W. L.", written over the word "Clerk." The signature is stylized and somewhat illegible.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 2009.

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

-----X
Peter Martin,
Plaintiff-Respondent,

-against-

M-782
Index No. 101082/06

Citibank, N.A.,
Defendant-Appellant.
-----X

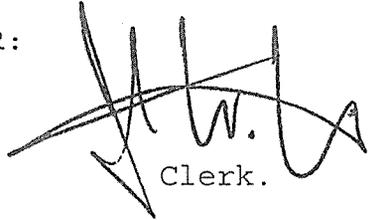
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 18, 2008 (mot. seq. no. 002),

And defendant-appellant having moved for a stay of trial 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 24, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

-----X
AWL Industries, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-1137
Index No. 600275/06

QBE Insurance Corp.,
Defendant-Appellant.

-----X

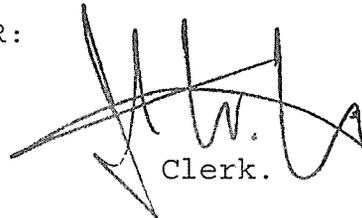
An order of this Court having been entered on February 17, 2009 (M-192) consolidating the appeals taken from the orders of the Supreme Court, New York County, entered on or about October 17, 2007 (mot. seq. no. 002) and December 22, 2008 (mot. seq. no. 005),

And defendant-appellant having moved for a stay of a scheduled referee hearing pending hearing and determination of the consolidated appeals,

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

Ordered that the motion is 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 24, 2009.

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

-----X
South Street Seaport Limited
Partnership,

Petitioner-Landlord-Respondent,

-against-

M-299
Index No. 570178/08

Hayley Manufacturing, Inc., doing business
as Taqueria Mexicali,

Respondent-Tenant-Appellant.
-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about September 23, 2008; and for a stay of all proceedings 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 24, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-845
Ind. No. 7741/02

Michael Shaw,
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 June 10, 2008, 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 24, 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-799
Ind. No. 2179/03

Pedro Mateo,
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 27, 2003,

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

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

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 24, 2009.

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

-----X
Sharon Wechsler,

Plaintiff-Respondent,

-against-

M-6021
Index No. 350250/01

Norman Wechsler,

Defendant-Appellant.
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 21, 2008 (Appeal No. 1094),

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 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 modified 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.

All concur except McGuire, J., who dissents as follows:

McGuire, J. (dissenting)

I dissent from the majority's determination to grant the wife's application for leave to appeal to the Court of Appeals from our order modifying the judgment of divorce (58 AD3d 62 [2008]). In addition to the extensive modifications we directed, on the law and the facts, we remanded for further proceedings, including a hearing. As our order did not finally dispose of the appeal, the wife's application is for leave to pursue an interlocutory appeal to the Court of Appeals. Accordingly, only this Court, not the Court of Appeals, is empowered to grant leave to appeal (see CPLR 5602[a][1][i]; [b][1]).

The wife's application is premised on the "novel" nature of the question of the proper methodology for valuing the investment holding corporation owned by the husband in light of taxes embedded in the corporation's assets. A novel and important issue would be presented if we had been asked to decide between the valuation approach adopted by the majority of the Eleventh Circuit in *Matter of Jelke v Commissioner of Internal Revenue* (507 F3d 1317 [2007], cert denied ___US___, 129 S Ct 168 [2008]) -- the same approach adopted by the Fifth Circuit in *Matter of Dunn v Commissioner of Internal Revenue* (301 F3d 339 [2002]) -- or the valuation approach adopted by Judge Carnes in his dissenting opinion in *Jelke* (507 F3d at 1333) -- the one espoused in *Jelke* by the Internal Revenue Service. That choice, however, was not before us and it was not before Supreme Court. Indeed, we expressly stated that "[t]his appeal ... does not require us to reach a conclusion about which of the two approaches is preferable with respect to the issue of embedded taxes" (58 AD3d at 68-69). We could not have been clearer in holding that as between the *Jelke/Dunn* methodology proposed by both the neutral expert and the husband's expert, and the methodology proposed by the wife's expert, which is not the one Judge Carnes would have adopted but instead is one without any precedential support, Supreme Court should have chosen the former.

Our authority in this regard is as broad as that of Supreme Court (see *Majauskas v Majauskas*, 61 NY2d 481, 493-494 [1984]). What also is of decisive significance is that we set forth at some length the particular fact-bound reasons supporting both our determination that "under all the factual circumstances of th[e] case" (58 AD3d at 71-72) the approach proposed by the neutral expert and the husband's expert was the more appropriate one (*id.* at 68-73) and our determination that we would not remand

for what would amount to another valuation trial even if we were of the view that the approach Judge Carnes would have adopted is more appropriate in a matrimonial action (*id.* at 72 n 7).

Under these circumstances I am at a loss to understand how the Court of Appeals could review our order for anything but an abuse of discretion (*cf. Majauskas*, 61 NY2d at 493-494 [reviewing equitable distribution award and noting that "[t]he authority of the Appellate Division is ... as broad as that of the Trial Judge, and absent an exercise of discretion on its part so egregious that it can be characterized as an abuse as a matter of law, its exercise of discretion is not reviewable by us" [citation omitted]]). Notably, in her reply submission in support of her motion the wife does not provide any reason for concluding that the Court of Appeals could review these aspects of our order on a broader basis. Furthermore, even the dissenter in this Court, who also votes to grant the wife's application for leave to appeal, did not contend that we had abused our broad discretion.

If I am right about the limited scope of review of our order, a subject that the majority chooses not to discuss, granting leave will not result in a decision from the Court of Appeals resolving any broad question of law regarding the appropriate valuation methodology for corporations like the one owned by the husband. Granting leave, however, will have decidedly adverse consequences, as discussed below, not the least of which is that the Court of Appeals will be burdened with reviewing an order that is essentially beyond its review powers.

But on the assumption that I am wrong and the Court of Appeals can exercise some review power broader than abuse of discretion, leave to appeal still should not be granted. Unless there is a settlement, a consummation devoutly to be wished but one that is undermined by the majority's decision to grant leave, this case will be coming back to this Court following our remand and the entry of a final judgment. When the next appeal to this Court is resolved we can grant leave (CPLR 5602[a][1][i]; [b][1]) and, assuming we do not again remand, so could the Court of Appeals (CPLR 5602[a][1][i]). The wife provides no reason at all for supposing that she will be prejudiced if review by the Court of Appeals occurs after final judgment rather than now.

This bitter and protracted action was commenced in 2001. We expressly recognized that expedition was necessary in this case given, among other things, "the passage of more than seven years since the commencement of this action and the enormous litigation costs incurred by the parties" (58 AD3d at 77). For these same reasons, moreover, we directed that the hearing we ordered "take place as expeditiously as possible and, in the (M-

event of another appeal, encourage[d] either party to move this Court for an order expediting the appeal" (*id.* at 90).

Inexplicably, the two other members of the majority who agreed with the necessity for expedition nonetheless cast their votes in favor of an interlocutory appeal to the Court of Appeals.

In contrast to New York law, federal appellate procedure permits interlocutory appeals only under narrow circumstances (see generally *Cunningham v Hamilton County, Ohio*, 527 US 198, 203-204 [1999]; *id.* at 203 ["an appeal ordinarily will not lie until after final judgment has been entered in a case"]). The general prohibition against taking an appeal before final judgment "serves several salutary purposes" (*id.*), including "avoid[ing] the obstruction to just claims that would come from permitting the harassment and cost of a succession of separate appeals" and "the important purpose of promoting efficient judicial administration" (*id.* at 203-204 [internal quotation marks omitted; brackets in original]). Although New York law broadly permits appeals to intermediate appellate courts, it furthers those same salutary purposes when it comes to interlocutory appeals to the Court of Appeals in civil cases. They are allowed, after all, only when leave to appeal is granted by the Appellate Division (CPLR 5602[b]). We vindicate those purposes only if we are most circumspect about exercising the authority entrusted to us. If this were a novel question of law presenting an issue of state-wide significance, it might be appropriate now to grant leave. But this appeal lies at the opposite end of the spectrum. The fact-bound nature of our resolution of the valuation issue is evident and undeniable; the very fact that no matrimonial action previously has arisen in which this valuation issue has been addressed is proof enough of the absence of any issue of state-wide significance.

If this case presents a valuation issue that is appropriate for review by the Court of Appeals, that review should occur after a final judgment has been entered, when the Court of Appeals also may review all issues of law we previously decided and all issues of law we may decide when the case comes back before us following remand. Instead, the majority guarantees further delays and further costs on top of the extensive delays and enormous costs that already have been incurred.

I respectfully submit that the majority's decision to grant an interlocutory appeal at this juncture is profligate as well as unreasonable.

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 24, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Louis Tatta,
Petitioner,

For a Judgment Pursuant to Article 78 M-894
of the CPLR, Index No. 400070/08

-against-

Verna Eggleston, etc., et al.,
Respondents.
-----X

An order of this Court having been entered on February 17, 2009 (M-5868), inter alia, granting petitioner leave to file a late notice of appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 21, 2008, and denying leave to prosecute the appeal as a poor person, and related relief,

And petitioner having renewed so much of his motion seeking leave to prosecute the appeal as a poor person, and related relief (M-5868),

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 24, 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-1016

Index No. 109218/07

Fred Khoroushi, et al.,
Defendants-Respondents,

Heidi Liebowitz,
Defendant.

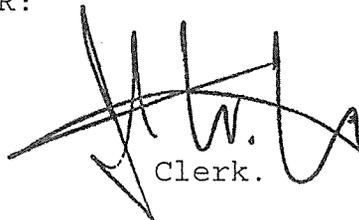
-----X

Plaintiffs-appellants 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. 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 JUDICIAL DEPARTMENT

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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

M-515
Ind. No. 2066/07

-against-

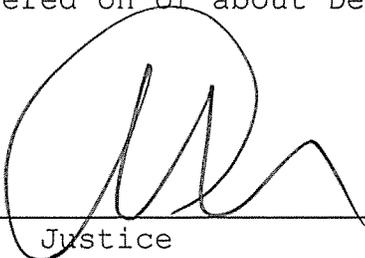
CERTIFICATE
DENYING LEAVE

Ernesto Abreu,

Defendant.

-----X

I, Angela M. Mazzarelli, 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 (Marcy L. Kahn, J.), entered on or about December 24, 2008, is hereby denied.



Justice

Dated: New York, New York

MAR 20 2009

ENTERED MAR 24 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,

Respondent,

-against-

Javaar Williams,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by the above-named defendant from a judgment of the Supreme Court, Bronx County (Harold Adler, J.), rendered April 30, 2008, and defendant having moved pro se, 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,

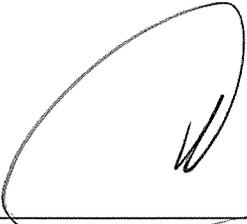
Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied without prejudice to a further application by defendant's assigned counsel.

Dated: March 16, 2009
New York, New York

ENTERED:

MAR 24 2009



Justice of the Appellate Division

M-732
Ind. No. 4083/06

ORDER DENYING
ROR OR BAIL
PENDING APPEAL
WITHOUT PREJUDICE

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

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

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

M-950
Ind. No. 3508/02

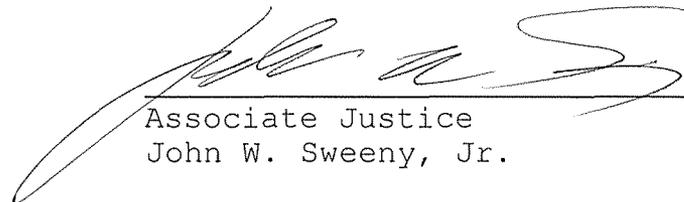
-against-

CERTIFICATE
DENYING LEAVE

Leonardo Santana,
Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Gregory Carro, J.), entered on or about January 14, 2009, is hereby denied.


Associate Justice
John W. Sweeny, Jr.

Dated: March 16, 2009
New York, New York

ENTERED: **MAR 24 2009**