

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 26, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Wendy Miller,
Plaintiff-Respondent,

-against-

M-1243X
Index No. 105103/06

Roy Savelli and All The Marbles
Realty Corporation,
Defendants-Appellants,

154 Roy's Realty, Inc.,
Jem 151 Associates, LLC and
New York City Transit Authority,
Defendants.

-----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. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 9, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Amsterdam Trade Bank, N.V.,
Plaintiff-Respondent,

-against-

M-1292X
Index No. 602661/07

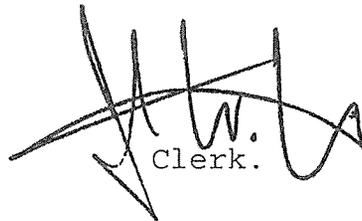
Nippon Express U.S.A., Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 21, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 13, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2009.

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

-----X
Office of the Commissioner of Baseball,
Plaintiff-Appellant-Respondent,

-against-

M-1290
Index No. 600826/08

Echostar Satellite L.L.C.,
Defendant-Respondent-Appellant.
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 12, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal and cross appeal, previously perfected for the April 2009 Term, are 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 26, 2009.

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

-----X
Gary E. Haynes,
Plaintiff-Respondent,

-against-

M-1296
Index No. 111570/05

AAA Architectural Hardware Co., et al.,
Defendants-Appellants-Respondents

-and-

Thyssenkrupp Elevator Corporation, as
Successor in Interest and/or doing business
as "Dover Elevator,"
Defendant-Respondent-Appellant.

-----X
AAA Architectural Hardware Co., et al.,
Third-Party Plaintiffs-
Appellants-Respondents,

-against-

Index No. 591081/05

Thyssenkrupp Elevator Corporation,
Third-Party Defendant-
Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 7, 2008 (mot. seq. no. 007),

Now, upon reading and filing the stipulation of the parties hereto, dated March 3, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal and cross appeal, previously perfected for the April 2009 Term, are 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 26, 2009.

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

-----X
Donald Miller, et al.,
Plaintiffs-Respondents,

-against-

M-393
Index No. 101342/03

Metropolitan 810 7th Ave, LLC, et al.,
Defendants-Respondents,

Otis Elevator Co. and Otis Elevator
Corp,
Defendants-Appellants.

-----X
Metropolitan 810 7th Ave, LLC, et al.,
Third-Party Plaintiff-Respondent,

-against-

Index No. 591001/03

Joseph Neto & Associates, Inc.,
Third-Party Defendant-Appellant,

New York Elevator Company and
New York Elevator and Electrical
Corporation,
Third-Party Defendants-Respondents.

-----X
Third-party defendant-respondent New York Elevator and Electrical Corporation having moved to dismiss the appeal taken by third-party plaintiff-respondent Metropolitan 810 7th Ave, LLC, et al. from the order of the Supreme Court, New York County, entered on or about April 21, 2008 (mot. seq. nos. 005, 006, 007, 008 and 009),

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 26, 2009.

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

-----X
Behaliu Meskelu,
Plaintiff-Appellant,

-against-

M-919
Index No. 407011/07

Noel Testa, M.D., et al.,
Defendants,

Bellevue Hospital Center,
Defendant-Respondent.
-----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 April 30, 2008,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 26, 2009.

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

-----X
Denise Karas-Abraham,
Plaintiff-Respondent,

-against-

M-858
Index No. 306616/03

Gideon Abraham,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of divorce of the Supreme Court, New York County, entered on or about April 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 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.

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 26, 2009.

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

-----X
American Theatre for the Performing
Arts, Inc.,
Plaintiff-Appellant,

-against-

M-908
Index No. 603735/03

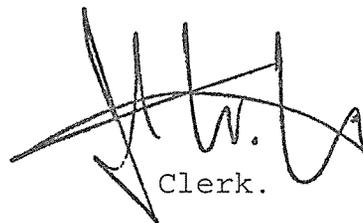
Consolidated Credit Corporation,
et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 18, 2007 (mot. seq. no. 011),

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 appellant's time in which to perfect the appeal to the September 2009 Term, with no further enlargements to be granted.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 26, 2009.

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

-----X
Jonathan Almonte,
Plaintiff-Appellant,

-against-

M-917
Index No. 15252/06

Park Avenue Car & Limousine, Inc.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 18, 2008,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2009 Term.

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 26, 2009.

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

-----X
Branscombe Investments Ltd., et al.,
Plaintiffs-Appellants,

-against-

M-5960
Index No. 603543/05

Board of Managers of the Olympic
Tower Condominium, et al.,
Respondents-Respondents.

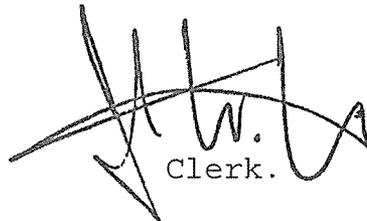
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 1, 2008 (mot. seq. nos. 001 and 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.

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 26, 2009.

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

-----X
Gryphon Domestic VI, LLC, et al.,
Plaintiffs-Respondents-Appellants,

Warner Mansion Fund,
Plaintiff,

-against-

M-1118
Index No. 603315/02

APP International Finance Company,
et al.,
Defendants-Appellants-Respondents.

-----X
Defendants-appellants-respondents having moved for an enlargement of time in which to perfect the appeal and cross appeal taken from the order of the Supreme Court, New York County, entered on or about May 20, 2008 (mot. seq. no. 045),

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 and the cross 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 26, 2009.

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

-----X
ABA Consulting, LLC,
Plaintiff-Respondent,

-against-

M-746 & M-1048
Index No. 105556/07

Liffey Van Lines, Inc.,
Defendant-Appellant.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 25, 2008, (mot. seq. no. 001) and January 23, 2009 (mot. seq. no. 002),

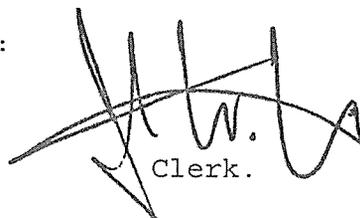
And defendant-appellant having moved to stay of so much of said orders as requires immediate delivery of general release, pending hearing and determination of said appeals, and for consolidation of the appeals herein (M-746),

And plaintiff-respondent having cross-moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about August 25, 2008 (M-1048),

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 aforesaid appeals are consolidated to the extent of permitting appellant to prosecute said appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. Defendant-appellant's motion for a stay is granted on condition that said consolidated appeals are perfected for the September 2009 Term. The cross motion is granted to the extent of dismissing the appeal from the order entered on or about August 25, 2008 unless the appeal is perfected for said September 2009 Term. Upon failure to so perfect, an order dismissing the appeal from said order entered on August 25, 2008 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 26, 2009.

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

-----X

In the Matter of the Application of
Cynthia Lowney,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-923
Index No. 108754/07

New York State Division of Human
Rights, et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 10, 2007 (mot. seq. nos. 001, 002 and 003), 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, and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the respondents and file 10 reproduced copies of such brief, together with the original record, with this Court, and to waive the required filing and subpoena fees.

Appellant's time in which to perfect the appeal is enlarged to on or before July 13, 2009 for the September 2009, with no further enlargements to be granted. Sua sponte, upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent(s) serve a copy of this order upon 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 26, 2009.

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

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

-against-

M-1130
Ind. No. 8000/98

Stanley Hall, also known as Abu Shariff
Al-Mamar,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** 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,

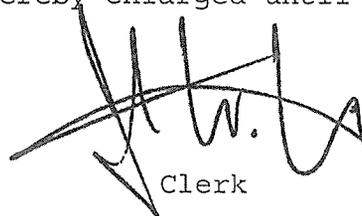
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 **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.

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 26, 2009.

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

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

-against-

M-1131
Ind. No. 4783/07

Nerys Montalvo,
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 25, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

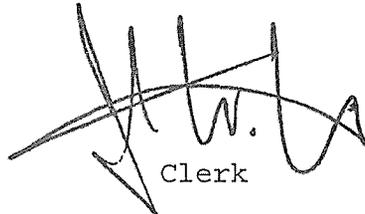
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 26, 2009.

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

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

-against-

M-1132
Case No. 62055C/07

Agustin Norales,
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 11, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

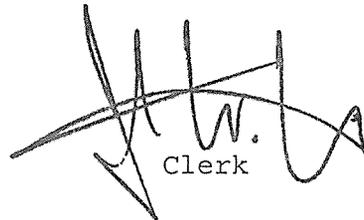
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 26, 2009.

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

-----X
Irina Zak,
Plaintiff-Appellant,

-against-

M-1013
Index No. 406168/07

Dr. Betty J. Mintz,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 4, 2008 (mot. seq. no. 002), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for a stay of proceedings pending hearing and determination of the appeal, and 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 on 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 and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion to the extent it seeks a stay 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 26, 2009.

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

-----X
Rebecca King Kaplan, etc.,
Plaintiff-Appellant,

-against-

M-723
Index No. 7009/00

Robin B. Karpfen, M.D., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 30, 2008 (Appeal No. 4918),

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 26, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
M. R.,
Plaintiff-Appellant,

-against-

M-928
Index No. 6751/07

2526 Valentine LLC,
Defendant-Respondent,

Magaw Management LLC,
Defendant.

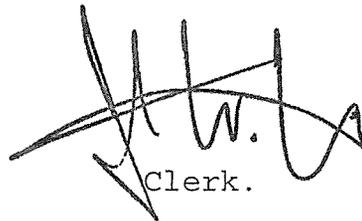
-----X

Defendant-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 22, 2009 (Appeal No. 4871.1),

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 26, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David Friedman
Eugene Nardelli, Justices.

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

-against-

M-484
Ind. No. 9252/98

Mark Green,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on October 15, 2002 (Appeal No. 1866 [M-5115]),

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 26, 2009.

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

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

-against-

M-182
Ind. No. 2174/88

Yusuf Harris,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 8, 1993 (M-3044 and M-2730 [DC No. 43]), deeming defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about February 28, 1989, as withdrawn pursuant to the stipulation,

And an order of this Court having been entered on July 13, 2006 (M-1154), denying defendant's motion, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and an order of this Court having been entered on December 30, 2008 (M-4131), denying reargument thereof,

And defendant having moved for reargument of the denial of his application for 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 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 26, 2009.

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

-----X
In the Matter of the Petition of
Puerto Rican Home Attendants
Services, Inc.,
Petitioner-Appellant,

-against-

For a Judgment Pursuant to Article 78
of the CPLR.

M-927
Index No. 303712/07

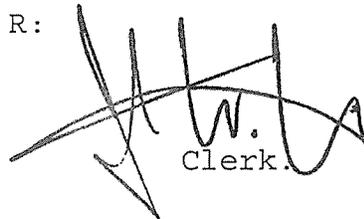
Robert Doar, Individually and as
Commissioner of the Human Resources
Administration of the City of
New York,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 29, 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 only to the extent of enlarging appellant's time in which to perfect the appeal to the September 2009 Term. The motion is otherwise 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 26, 2009.

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

-----x
S.M. Pires,
Plaintiff-Appellant,

-against-

M-1061
Index No. 1453/06

Frota Oceanica Brasileira, S.A.,
Defendant-Respondent,

Galveston Wharves, doing business as
Port of Galveston, et al.,
Defendants.

-----x

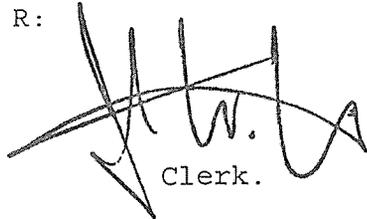
Appeals having been taken from the orders of the Supreme Court Bronx County, entered on or about April 30, 2008 and September 25, 2008, respectively,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order entered April 30, 2008, for consolidation of the aforesaid appeals, for an enlargement of both records on the appeals, 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 only to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the September 2009 Term. The motion is otherwise 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 26, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

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

-against-

M-267
Ind. No. 2497/04

Juan Rivera,
Defendant-Appellant.

-----X

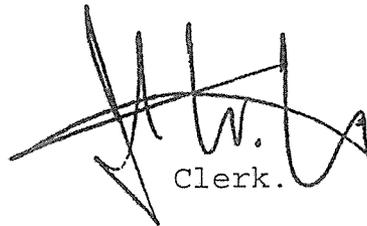
A decision and order of this Court having been entered on June 1, 2006 (Appeal No. 8660), unanimously affirming the judgment of the Supreme Court, New York County (Ronald A. Zweibel, J.), rendered on December 10, 2004,

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.

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 26, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Jaime Silva,
Plaintiff,

-against-

Index No. 27519/03

F.R. Real Estate Development Corp., et al.,
Defendants.

-----X
F.R. Real Estate Development Corp., et al.,
Third-Party Plaintiffs-Respondents,

M-675

N.Y. Enterprise Foundation,
Third-Party Plaintiff,

Third-Party
Index No. 83927/04

-against-

Galaxy General Contracting Corp.,
Third-Party Defendant.

-----X
Galaxy General Contracting Corp.,
Second Third-Party Plaintiff-Respondent,

-against-

Second Third-Party
Index No. 84525/05

Zurich Specialties London Ltd.,
Second Third-Party Defendant-Appellant.

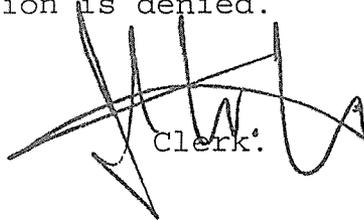
-----X

Second third-party defendant-appellant Zurich Specialties London Ltd. having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 8, 2009 (Appeal Nos. 5009,5010,5011N),

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 26, 2009.

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

-----X
The People of the State of New York
ex rel. Leroy Whitley,
Petitioner,

-against-
Warden, etc., et al.,
Respondents.

M-265
Ind. No. 12111/07

-----X

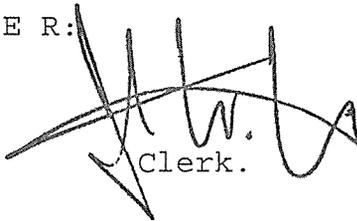
An order of this Court having been entered on December 16, 2008 (M-5232), inter alia, denying petitioner's motion for a writ of habeas corpus, and dismissing the writ,

And petitioner having moved for leave to appeal to the Court of Appeals from the aforesaid order (M-5232), for a stay pending hearing and determination of the Court of Appeals, and for other relief,

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 26, 2009.

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

-----X
Charles Christiano and Victorine
Christiano,
Plaintiffs-Respondents,

-against-

M-907

Index No. 8881/00

Solovieff Realty Co., L.L.C.,
and McClier Corporation,
Defendants-Appellants,

Natasha White, Inc.,
Defendant.

-----X
McClier Corporation,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 81997/00

Theodore Williams Construction
Company,
Third-Party Defendant-Appellant.

-----X
Solovieff Realty Co., L.L.C.,
Second Third-Party
Plaintiff-Appellant,

-against-

Second Third-Party
Index No. 83531/03

Bank of America Corp.,
Second Third-Party
Defendant-Appellant.

-----X

Respective appellants having jointly moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 4, 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 26, 2009.

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

-----X
Euroway Contracting Corp.,
Plaintiff-Respondent,

-against-

M-854
Index No. 25646/02

Mastermind Estate Development Corp.,
et al.,
Defendants-Appellants.

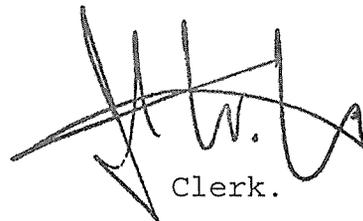
-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 3, 2009 (Appeal No. 5144N),

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 26, 2009.

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

-----X
In the Matter of the Application of
Joe Jackson,
Petitioner,

M-844

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

Hon. K. McGrath, et al.,
Respondents.

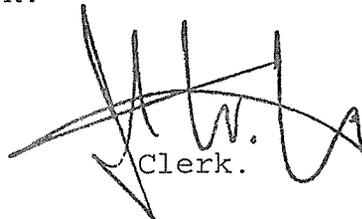
-----X

The above-named petitioner having moved in the nature of a writ of mandamus and for an order releasing him on his own recognizance or upon the fixing of bail pending hearing and determination of 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 dismissed as academic, petitioner having been released by order of the Supreme Court, New York County, entered on or about February 13, 2009.

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 26, 2009.

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

-----X
Miliha Ferluckaj,
Plaintiff-Appellant,

-against-

Goldman Sachs & Co.,
Defendant,

M-783
Index No. 120760/02

-and-

Henegan Construction Co., Inc.,
Defendant-Respondent.

[And a third-party action]
-----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 February 21, 2008 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal 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 26, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Lisa F. Wallace, a developmentally disabled person, by and through her next friend, Stephen P. Wallace, Stephen P. Wallace, Individually and all those similarly situated,
Plaintiffs,

M-991
Index No. 601194/08

-against-

James Dimon, et al.,
Defendants.

-----X
Plaintiffs having moved for leave to prosecute, as a poor person, the purported appeal taken from the orders of the Supreme Court, New York County, entered on or about December 29, 2008 and January 15, 2009, respectively, for leave to have the purported 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 denied, with leave to renew upon submission of copies of the orders appealed, a copy of the notice of appeal served upon defendants with an affidavit of service thereof, and/or a copy of the notice of appeal filed in the New York County Clerk's office, and documentation substantiating plaintiff's relation to the assisted co-plaintiff beneficiary and the claim to be indigent.

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 26, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
John Cahn,
Plaintiff-Appellant,

-against-

M-786
M-935
Index No. 106110/04

Ward Trucking, Inc., et al.,
Defendants-Respondents,

Taconic Management Company, LLC and
450 Park Avenue South Associates, LLC.,
Defendants-Appellants.

-----X
[And other actions]
-----X

Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about March 12, 2008 (mot. seq. no. 002),

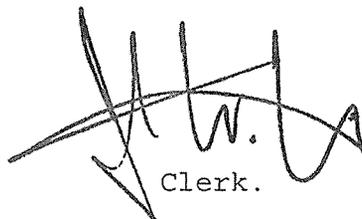
And plaintiff-appellant John Cahn having moved for an enlargement of time in which to perfect their appeal (M-786),

And defendants-appellants Taconic Management Company, LLC, et al. having cross-moved for an enlargement of time in which to perfect its appeal (M-935)

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time in which to perfect the appeals, which are sua sponte consolidated, to the September 2009 Term, with no further enlargements to be granted. Appellants are permitted to prosecute the consolidated appeals upon 10 copies of one record. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

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 26, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
In the Matter of the Liquidation of
Union Indemnity Insurance Company
of New York.

The Superintendent of Insurance of
the State of New York, as Liquidator
of Union Indemnity Insurance Company
of New York,
Plaintiff-Respondent,

M-905
Index No. 401738/99

-against-

Robert A. Spira,
Defendant-Appellant.

-----X
Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about February 14, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the September 2009 Term, with no further enlargements to be granted.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 26, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X

In the Matter of the Application of

Metropolitan New York Synod of the
Evangelical Lutheran Church in
America, etc.,
Petitioners-Respondents,

-against-

M-911
Index No. 118731/06

St. John's Evangelical Lutheran
Church, et al., etc.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeals from the order of the Supreme Court, New York County, entered on or about April 11, 2008 (mot. seq. no. 002) and from the order and judgment (one paper) of said Court, entered on or about July 17, 2008,

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

Sua sponte, the appeals are consolidated and appellant is permitted to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals.

It is further 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.

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 26, 2009.

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

-----X

Berta Poberesky,
Plaintiff-Appellant-Respondent,

-against-

M-787
Index No. 350506/05

Lev Poberesky,
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the judgment of divorce of the Supreme Court, New York County, entered on or about May 23, 2008,

And plaintiff-appellant-respondent having moved for an enlargement of time in which to perfect the aforesaid direct 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 enlarging the time in which to perfect the appeal and cross appeal to the September 2009 Term. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

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 26, 2009.

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

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

-against-

M-982
Ind. No. 4833/07

Regina Krasso,
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 October 24, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

E N T E R:


Clerk.

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 26, 2009.

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

-----X
Norma White,
Plaintiff-Respondent,

-against-

M-922
Index No. 6364/05

Carlos A. Diaz and Jose M.
Agramonte,
Defendants-Respondents,

-and-

Manuel A. Nunez and Atlantic
Paratransit,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect their appeals from judgments of the Supreme Court, Bronx County, entered on or about June 27, 2008 and August 7, 2008, respectively; and for an order directing plaintiff's counsel to provide copies of certain exhibits,

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 appeals to on or before July 13, 2009 for the September 2009 Term. The Clerk is directed to calendar the appeals for hearing together in said September 2009 Term. The motion is otherwise denied without prejudice to movant seeking relief by motion before the trial court with respect to the subject exhibits.

ENTER:



Clerk.