

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 31, 2009.

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

-----X  
Lucy Formey and Alice Mayo, as  
Co-Administratrix of the goods,  
chattels and credits which were  
of Mary Ann Mayo, deceased,  
Plaintiffs-Appellants,

-against-

M-1213X  
Index No. 150004/06

North General Hospital, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 24, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 31, 2009.

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

-----X  
Jane A. Halbritter,  
Plaintiff-Respondent,

-against-

M-1214X  
Index No. 600791/08

Stonehedge Acquisition Rome II, LLC,  
et al.,  
Defendants-Appellants.

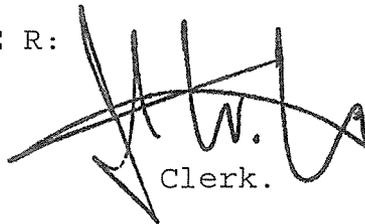
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 1, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 26, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 31, 2009.

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

-----X  
Tim Miller,  
Plaintiff-Appellant,

-against-

M-1352X  
Index No. 603947/05

Arnold Worldwide, LLC,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2008 (mot. seq. nos. 005, 006 and 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 17, 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 31, 2009.

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

-----X  
Felix Rivera,  
Plaintiff-Appellant,

-against-

M-1354X  
Index No. 106680/05

The Beer Garden, Inc., doing business as  
The Roxy,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 3, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 18, 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 31, 2009.

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

-----X  
Atria Builders, L.L.C., et al.,  
Plaintiffs-Appellants,

-against-

M-1358X  
Index No. 602785/08

Morgan 32 Holding, LLC, et al.,  
Defendants-Respondents.

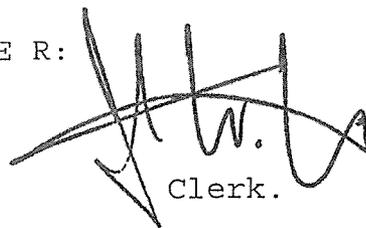
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 3, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 18, 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 31, 2009.

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

-----X  
Joseph Lopresto,  
Plaintiff-Respondent-Appellant,

-against-

M-1353X  
Index No. 312932/00

Patricia Lopresto,  
Defendant-Appellant-Respondent.  
-----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 October 20, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 18, 2009, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal 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 31, 2009.

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

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

-against-

M-995  
Ind. No. 367/08

Alvin Walker,  
Defendant-Appellant.

-----X

Defendant having moved for an extension 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 16, 2008, and for leave to prosecute the appeal as a poor person upon the original record and 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.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 31, 2009.

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

-----X

Cindy Yuen,

Plaintiff-Respondent,

-against-

M-990

Index No. 108379/06

Kwan Kam Cheng and Tong Tsang Lau,

Defendants-Appellants.

Henry Lee Fong,

Defendant.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 16, 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 31, 2009.

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

-----X  
In the Matter of the Application of  
Residential Management, Inc.,

Petitioner-Respondent,

-against-

M-1017  
Index No. 107306/05

New York State Division of Housing  
and Community Renewal,

Respondent-Appellant,

Graham Court Tenants' Association,

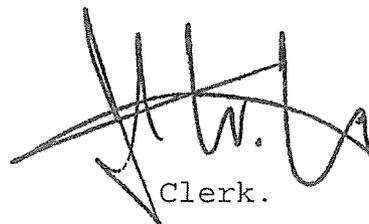
Respondent-Intervenor.  
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 24, 2007 (mot. seq. no. 001),

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 31, 2009.

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

-----X  
Randall Co. LLC,  
Plaintiff-Respondent,

-against-

281 Broadway Holdings LLC, et al.,  
Defendants-Appellants.  
-----X

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

M-794  
Index No. 100982/08

Index No. 590928/08

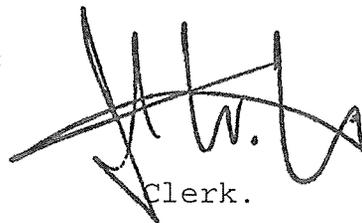
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 29, 2009,

And defendants-appellants having moved for a stay of proceedings herein including a damages trial pending hearing and determination of the aforesaid 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 staying further proceedings herein on condition appellants perfect the appeal on or before July 13, 2009 for the September 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 31, 2009.

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

-----X  
Luis A. Maldonado,  
Plaintiff-Respondent,

-against-

M-1177  
Index No. 23869/06

The Law Offices of Mary A. Bjork, as  
the Administrator of the Estate of  
Joseph P. Altemburger, etc.  
Defendant-Appellant.  
-----X

Defendant-appellant having 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 28, 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 31, 2009.

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

-----X  
In the Matter of

Dashawn W.,  
Diamonaysia B.,  
Jayquan N. and  
Justin N.,

Dependent Children under 18 Years  
of Age Pursuant to §384-b of the  
Social Services Law,

M-1024

-----  
Commissioner of the Administration  
For Children's Services of the City of  
New York,  
Petitioner-Appellant,

Docket Nos. N1670/07  
N1671/07  
N1672/07  
N1673/07

Antoine N.,  
Respondent-Respondent,

Ronnelle B.,  
Respondent-Respondent.

-----  
Steven Banks, Esq.,  
Law Guardian for the Children.

-----X  
The petitioner-appellant agency having moved for an enlargement of time in which to perfect the appeal taken from the order of the Family Court, New York County, entered on or about February 28, 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 31, 2009.

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

-----X

In the Matter of the Commitment of the Guardianship and Custody of

Jasmine Mae K., also known as  
Jasmine C.,

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

- - - - -  
The Children's Aid Society,  
Petitioner-Respondent,

Jacqueline I.C.,  
Respondent-Appellant.

M-820  
Docket No. B-9061/05

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

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about October 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 denied, with leave to renew within 30 days of the date of entry hereof upon submission of proof of service of the moving papers upon respondent-appellant's counsel, Barbara Milbauer, Esq., 351 Broadway, 4<sup>th</sup> Fl., New York, New York 10013.

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 31, 2009.

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

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

Jacquelyn E. Jackson,

Petitioner-Appellant,

M-806

Index No. 407225/07

-against-

N.Y.S. Division of Human Rights  
and Retail Brand Alliance, Inc.,

Respondents-Respondents.  
-----X

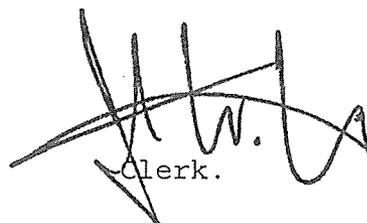
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 8, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal, for leave to prosecute said appeal as a poor person, 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 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 time in which to perfect the appeal is enlarged 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 31, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John T. Buckley  
Leland G. DeGrasse, Justices.

-----X  
Stanley Sperber, et al.,  
Plaintiffs-Appellants,

-against-

M-1122  
Index No. 109933/05

Sidney Rubell,  
Defendants-Respondents.  
-----X

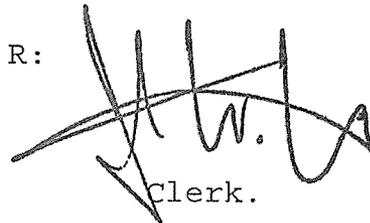
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 17, 2008,

And defendants-respondents having moved for an order striking portions of appellant's reproduced record on appeal and brief on the grounds that it contains material de hors the record, 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 directing plaintiffs to immediately remove from the reproduced record on appeal trial exhibits enumerated 3, 4, 6, 9 and 10 as de hors the record on appeal and to correct the table of contents thereof to reflect the deletion.

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 31, 2009.

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

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

-against-

M-1050  
Ind. No. 4507/07

Lawrence Haviland,  
Defendant-Appellant.

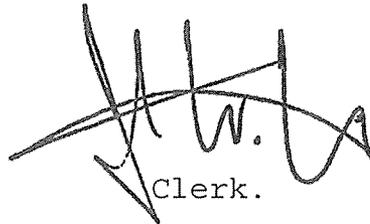
-----X  
An order of this Court having been entered on October 21, 2008 (M-4519), inter alia, assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on August 7, 2008,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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

It is ordered that the motion is granted to the extent of dismissing the appeal because of appellant's death on November 1, 2008, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v. Matteson*, 75 NY2d 745; *People v. Mintz*, 20 NY2d 753, 770.)

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 31, 2009.

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

-----X  
In the Matter of

Angelic Marie L., also known as  
Angelic L.; and Jovani Francisco  
Ricardo L., also known as Jovani L.,

M-813 & M-1158  
Docket Nos. B25876/04  
B25879/04

Dependent Children under 18 Years  
of Age Pursuant to Section 384-b  
of the Social Services Law of the  
State of New York.

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

Edward L.,  
Respondent-Appellant.

-----  
Samuel Dulberg, Esq.,  
Law Guardian for the Children.

-----X

Petitioners-respondents having moved for dismissal of the appeal taken from orders of the Family Court, Bronx County, entered on or about August 6, 2007 (M-813),

And assigned counsel for respondent-appellant father having cross-moved for the assignment of appellate counsel and for an enlargement of time in which to perfect the aforesaid appeal (M-1158),

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 to dismiss the appeal (M-813) is denied, with leave to renew upon proof of service of the moving papers upon respondent father at his last known address after diligent inquiry as to same. The cross motion (M-1158) is granted to the extent of enlarging appellant's time in which to perfect the appeal to the September 2009 Term with leave to renew so much thereof which seeks poor person relief including the assignment of counsel for purposes of the appeal upon submission of an affidavit of intent to perfect the appeal by the respondent-appellant father.

ENTER:

A handwritten signature in black ink, appearing to be "J.W.L.", written over a horizontal line. The signature is stylized and somewhat cursive.

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 31, 2009.

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

-----X  
In the Matter of

Destiny S.,

M-930  
Docket No. B-14377/05

A Dependent Child Under 18 Years of Age Pursuant to Section 384-b of the Social Services Law.

-----  
Administration for Children's Services,  
Petitioner-Respondent,

Hilda S.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Family County, entered on or about September 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 denied, with leave to renew upon submission of proof of service of the moving papers on respondent mother at her last known address after diligent inquiry as to same.

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 31, 2009.

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

-----x  
Mushlam, Inc.,  
Plaintiff-Landlord-Respondent,

-against-

Marie Nazor and Peter Mickle M-1004  
544 West 27<sup>th</sup> Street M-1008X  
Entire 4<sup>th</sup> Floor Index No. 100207/08  
New York, New York 10001,  
Defendants-Undertenants-Appellants.

-----x

Defendants-undertenants-appellants having moved for an enlargement of time in which to perfect their appeal from the order of the Supreme Court, New York County, entered on or about April 7, 2008 [mot. seq. no. 002] (M-1004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 25, 2009 (M-1008X), and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation (M-1008X). The motion for an enlargement of time to perfect the appeal is deemed withdrawn (M-1004).

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 31, 2009.

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

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

-against-

M-961  
Ind. No. 10856/98

Marvin Peaks, also known as Marvin Peakes,  
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 11, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

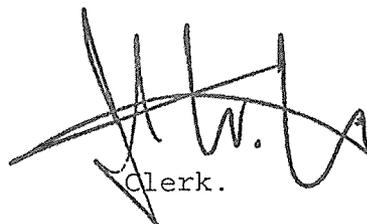
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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, 11<sup>th</sup> 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 31, 2009.

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

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

-against-

M-972  
Ind. No. 491/04

Andre Williams,  
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 13, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

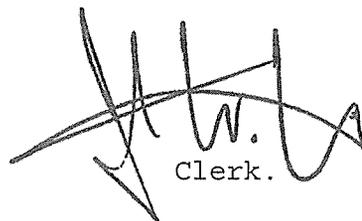
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

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 31, 2009.

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

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

-against-

M-1010  
Ind. No. 980/03

Willie Cochran,  
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 January 21, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

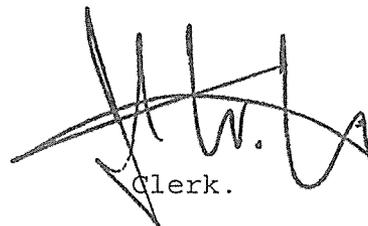
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 31, 2009.

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

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

-against-

M-5739  
Ind. No. 7214/92

Alex Sime,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 22, 1998 (Appeal No. 2406), unanimously affirming a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on July 9, 1993,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 31, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
Joseph I. Rosenzweig,  
Plaintiff-Respondent,

-against-

M-653  
M-1099  
Index No. 114693/05

Radiah K. Givens,  
Defendant-Appellant.  
-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 8, 2009 (Appeal No. 3557),

And defendant-appellant having cross-moved for an order denying the aforesaid relief, for a stay of plaintiff-respondent's discovery demands pending hearing and determination of the motion and cross motion, and for the imposition of sanctions upon plaintiff-respondent and his attorney for frivolous conduct pursuant to 22 NYCRR 130-1.1,

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

"Was the order of this Court, which 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. The cross motion seeking to stay discovery, sanctions and other relief is denied.

ENTER:

A handwritten signature in black ink, appearing to be "J. W. L.", written over a horizontal line. 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 31, 2009.

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

-----X  
Hasan Aldabet,  
Plaintiff-Respondent,

-against-

M-987  
Index No. 13483/05

George M. Goldmark, M.D. and  
Harry Goldmark, M.D.,  
Defendants-Appellants,

Doron I., Ilan, M.D., et al.,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 13, 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 31, 2009.

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

-----X  
Phillip D'Avilar,

Plaintiff-Appellant,

-against-

M-988  
Index No. 23171/05

Folks Electrical Inc., et al.,

Defendants-Respondents.

-----X  
(And a third-party action)

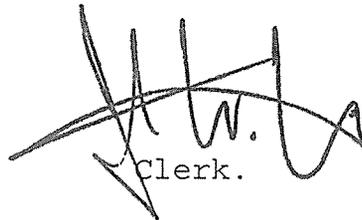
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 16, 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 31, 2009.

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

-----X

The City of New York,  
Plaintiff-Respondent,

-against-

M-1082  
Index No. 401778/05

Dexter Properties LLC, et al.,  
Defendants-Appellants.

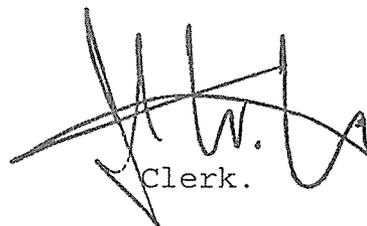
-----X

Defendants-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 27, 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 December 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 31, 2009.

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

-----X

Ace Fire Underwriters Insurance Company, etc., et al.,  
Plaintiffs,

Pacific Employers Insurance Company,  
Plaintiff-Respondent,

-against-

ITT Industries, Inc., etc.,  
Defendant-Appellant,

M-989  
Index No. 600133/06  
(mot. seq. nos. 042 & 044)

U.S. Silica Corporation, etc. et al.,  
Defendants.

-----X

Ace Fire Underwriters Insurance Company, etc., et al.,  
Plaintiffs-Appellants,

-against-

ITT Industries, Inc., etc.,  
Defendant-Respondent,

Index No. 600133/06  
(mot. seq. no. 048)

U.S. Silica Corporation, etc., et al.,  
Defendants,

Affiliated FM Insurance Company,  
Defendant-Appellant,

Allianz Underwriters Insurance Company, et al.,  
Defendants,

OneBeacon America Insurance Company,  
etc.,  
Defendant-Appellant,

Underwriters at Lloyd's of London, et al.,  
Defendants-Appellants.

-----X

Defendant-appellant ITT Industries, Inc., etc., having taken an appeal from the order of the Supreme Court, New York County, entered on or about July 20, 2007 (mot. seq. nos. 042 & 044),

And an appeal having been taken from the order of said Court, entered on or about August 21, 2007 (mot. seq. no. 048) by plaintiffs Ace Fire Underwriters Insurance Company, etc., et al.;

And separate appeals having been taken from the aforesaid order entered on or about August 21, 2007 by defendants, Affiliated FM Insurance Company; OneBeacon America Insurance Company, etc.; and Underwriters at Lloyd's London, et al.,

And the appellants having jointly moved for an enlargement of time in which to perfect the aforesaid respective appeals pending the outcome of an action entitled, Cannon Electric, Inc., et al. v Ace Property & Casualty Insurance Company, et al. BC 290354, presently pending in the Los Angeles County Superior Court, State of California,

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 of the respective appellants in which to perfect the appeal(s) to the January 2010 Term, with leave to seek a further enlargement if necessary.

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 31, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-5673A  
Ind. No. 1078/07

Terrence Heyward,

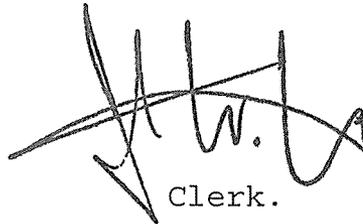
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 30, 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 deemed withdrawn, the aforesaid relief having been afforded defendant by order of this Court entered on December 23, 2008 (M-5548). The order of this Court entered on January 8, 2009 (M-5673) is herewith recalled and vacated.

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 31, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

-against-

M-673  
Ind. No. 9476/99

Efrain Hernandez,  
Defendant-Appellant.

-----X

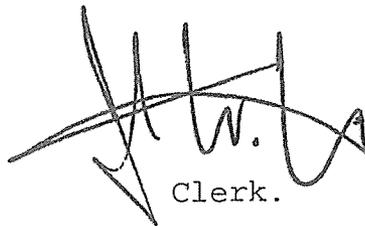
An order of this Court having been entered on February 5, 2009 affirming the judgment of resentence of the Supreme Court, New York County, rendered on or about October 17, 2008,

And defendant-appellant having moved for an order amending the aforementioned order 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 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 31, 2009.

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

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

-against-

M-983  
Ind. No. 4069/07

Willie Harris,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 21, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

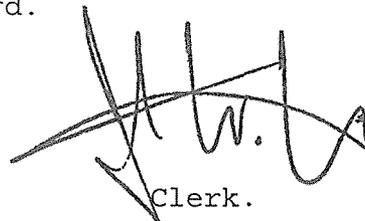
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 31, 2009.

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

-----X  
Twin City Insurance Company,  
Plaintiff-Respondent,

-against-

M-1055  
Index No. 116986/04

State Insurance Fund,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about May 7, 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 31, 2009.

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

-----X  
Benjamin Kohn, et al.,  
Plaintiffs-Appellants,

-against-

M-1121  
Index No. 150018/06

The City of New York, et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 30, 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 31, 2009.

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

-----X  
Michelle Nguyen,  
Plaintiff-Respondent,

-against-

M-1007

Yasser Abdel-Hamed and Phivos C.  
Ioannou,  
Defendants-Respondents,

Index No. 100227/06

-and-

Lei Chang and Carp Taxi Inc.,  
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the order of this Court entered on February 17, 2009 (M-209),

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 31, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
Ashland Management Incorporated,  
Plaintiff-Respondent-Appellant,

-against-

M-724  
Index No. 603554/05

Altair Investments NA, LLC, et al.,  
Defendants-Appellants-Respondents.  
-----X

Defendants-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 23, 2008 (Appeal No. 2709),

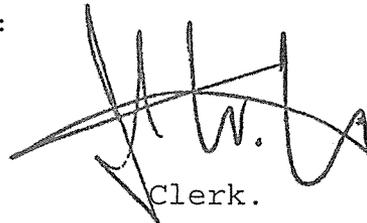
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 affirmed the order of the Supreme Court, properly made?"

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 31, 2009.

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

-----X  
Adelaido Tapia,  
Plaintiff,

-against-

M-434  
Index No. 7556/05

MCSAM Management, LLC, et al.,  
Defendants.

-----X

An order of this Court having been entered on March 19, 2009 (M-671), inter alia, granting vacatur of a stay of trial, restoring the matter to the Supreme Court's trial calendar and, deeming the appeal from the order of the Supreme Court, Bronx County, entered on or about February 20, 2008, withdrawn,

And defendant Mastro Concrete, Inc. having moved to dismiss the 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 dismissed as moot, the appeal having been deemed withdrawn by order of this Court entered March 19, 2009 (M-671) a copy of which is annexed hereto.

E N T E R:

  
Clerk.

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

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

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

-against-

M-671  
Index No. 7556/05

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

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

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

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 31, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
James M. McGuire  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Linmar Construction Corp.,  
Plaintiff-Appellant,

-against-

Albert Palancia Agency, Inc.,  
Defendant-Respondent.

M-4506

-----X  
Albert Palancia Agency, Inc.,  
Third-Party Plaintiff-Appellant,

M-4587

Index No. 603154/03

-against-

JJ Farber Lottman Co., Inc.,  
Third-Party Defendant-Respondent.

(And a fourth-party action)

-----X

An appeal having been taken by plaintiff Linmar Construction Corp. from the order of the Supreme Court, New York County, entered on or about September 27, 2007 (mot. seq. no. 004),

And an appeal (denominated a cross appeal) having been taken by defendant/third-party plaintiff Albert Palancia Agency, Inc. from so much of the aforesaid order of the Supreme Court, which dismissed the third-party and fourth-party complaints,

And plaintiff-appellant having moved for an enlargement of time in which to perfect its appeal (M-4506),

And defendant/third-party plaintiff-appellant having cross-moved for an enlargement of time in which to perfect its appeal (M-4587),

Now, upon reading and filing the papers with respect to the motion (M-4506) and cross motion (M-4587), including the correspondence dated October 10, 2008 from the Clerk's office to counsel for defendant, and due deliberation having been had thereon,

It is ordered that the motion (M-4506) is granted to the extent of enlarging the time of plaintiff in which to perfect its appeal to the September 2009 Term. The cross motion (M-4587) is dismissed in accordance with the aforesaid correspondence.

ENTER:

A handwritten signature in black ink, appearing to be "J. W. L.", written over a horizontal line. 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 31, 2009.

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

-----X  
In the Matter of the Application of  
Verizon New York Inc.,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-33  
Index No. 117078/07

Environmental Control Board of the  
City of New York and New York City  
Department of Information Technology  
and Telecommunications,  
Respondents-Appellants.

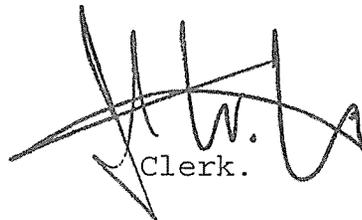
-----X

Petitioner-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about August 28, 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 denied without prejudice to raising the argument on appeal.

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,**  
Respondent,

M-781  
Ind. No.2579/04

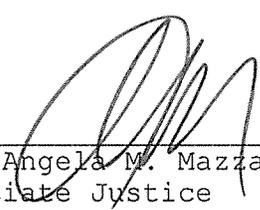
-against-

CERTIFICATE  
GRANTING LEAVE

**Louis Koonce,**  
Defendant-Appellant.  
-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about January 8, 2009.

Dated: **MAR 31** - , 2009  
New York, New York

  
\_\_\_\_\_  
Hon. Angela M. Mazzarelli  
Associate Justice

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