

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 November 5, 2009.

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

-----X
WDF Inc.,
Plaintiff-Appellant,

-against-

M-4674X
Index No. 604243/05

E.E. Cruz & Company, Inc., et al.,
Defendants-Respondents.

-----X
(And Other Actions)
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 18, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 7, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
Manuel Ulloa,
Plaintiff-Respondent,

-against-

M-4675X
Index No. 15466/05

Golnat Realty Co., et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 8, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 8, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
Hennessee Group LLC,
Plaintiff-Respondent,

-against-

M-4707X
Index No. 601233/08

Oechsle International Advisors, LLC,
et al.,
Defendants-Appellants.

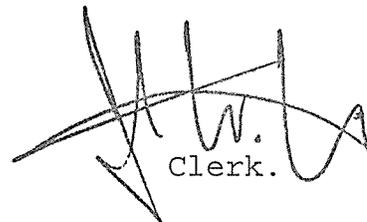
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 8, 2009 (mot. seq. no. 002),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
The Daten Group, LLC,
Plaintiff-Respondent,

-against-

Westside Views LLC, et al.,
Defendants-Appellant.
-----X

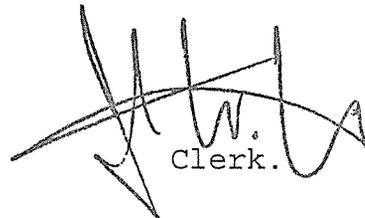
M-4676X
Index No. 603671/07

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 26, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 7, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
Regina Glocker and Constance Kassouf,
Plaintiffs-Respondents,

-against-

Westwood Partners, LLC,
Defendant-Appellant.

M-4708X
Index No. 601995/08

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 20, 2008 (mot. seq. no. 001),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
Nazima D. Ali-Royster,
Plaintiff-Respondent,

-against-

M-4768X
Index No. 23783/06

Loren Radcliffe and Syed K. Shah,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 7, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 16, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
Jose Nivar and Australiana Luna,
Plaintiffs-Respondents,

-against-

Ekow A. Micah and Tomer Hacking Corp.,
Defendants-Appellant.

M-4769X
Index No. 102934/06

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 13, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 14, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
GeoSynFuels, LLC,
Plaintiff-Appellant,

-against-

M-4770X
Index No. 602989/08

John D. Santoleri, et al.,
Defendants-Respondents.

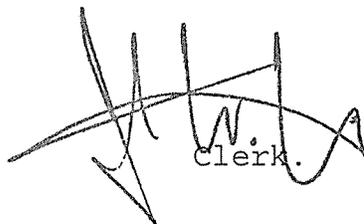
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 9, 2009 (mot. seq. nos. 001, 002 and 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 15, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application for
the Guardianship and Custody of

Victor C.,
Courtney C.,
Chelsea C., and
Richard C.,

Children 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, et al.,
Petitioners-Respondents,

M-4265
Docket Nos. B9204-07/06

Bethania C., also known as
Bethania A. C.,
Respondent-Appellant.

Wendy Luger, Esq.,
Law Guardian for
Victor C. and Richard C.,

Elizabeth Callaghan, Esq.,
Law Guardian for Courtney C.,

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for Chelsea C.

-----X
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about May 6, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., Esq., 222 Mamaroneck Avenue, White Plains, New York 10605, Telephone No. 914-946-5000, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Christian Matthew V.,

M-4272

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

Docket No. B14192/06

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

Victor Manuel V.,
Respondent-Appellant.

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

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 8, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Ira M. Pesserilo, Esq., 110 Wall Street, 11th Floor, New York, NY 10005, Telephone No. (917) 499-3669, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application for
the Guardianship and Custody of

Isaiah J., also known as
Baby Boy J.,

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

New York Foundling Hospital, et al.,
Petitioners-Respondents,

M-4183
Docket No. B12585/06

Janice J.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 21, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Michael Bromberg, Esq., 44 Hampton Street, Box 2112, Sag Harbor, New York 11963, Telephone No. 631-725-0641, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

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

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
In the Matter of

Angelove V.,

M-4184

A Person Alleged to Be a Juvenile Delinquent, Docket No. D14682-07/08A

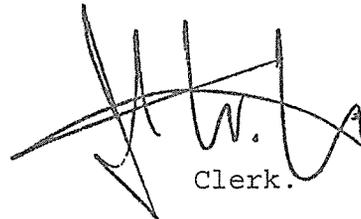
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute as a poor person the appeal from an order of the Family Court, New York County, entered on or about January 6, 2009, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted and pursuant to Section 35 of the Judiciary Law, Article 18B of the County Law and Section 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, is assigned as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) enlarging the time to perfect the appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
James Couri,

Plaintiff-Appellant,

-against-

M-3985

Index No. 104661/08

John Siebert and John W. Siebert, M.D.,
P.C.,

Defendants-Respondents.
-----X

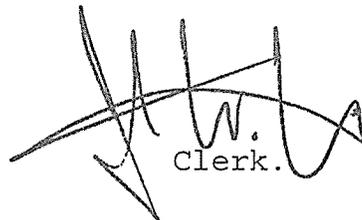
An order of this Court having been entered on August 25, 2009 (M-2494), dismissing the appeal taken from the order of the Supreme Court, New York County, entered on or about September 25, 2008 (mot. seq. no. 001),

And plaintiff-appellant having moved to renew, reargue or to vacate the aforesaid order of this Court dismissing the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-3891A
Ind. No. 4154/00

Debra Peavey,

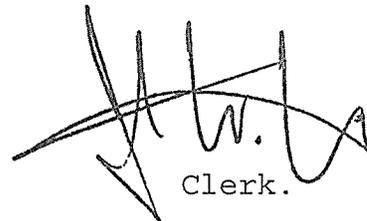
Defendant-Appellant.
-----X

Defendant 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 July 30, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from James J. Quail, Esq., attorney for appellant received October 5, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn. The order of this Court entered on October 1, 2009 (M-3891) is hereby 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 November 5, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

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

-against-

M-4122
Ind. No. 3137/92

Tyrone L. Jackson,
Defendant-Appellant.

-----X

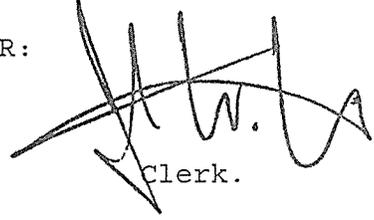
A decision and order of this Court having been entered on October 12, 1995 unanimously affirming the judgment of the Supreme Court, New York County (Clifford Scott, J.) rendered on or about November 2, 1994 (220 AD2d 273 [1st Dept 1995] lv den 87 NY2d 903 [1995]); and a judgment of resentence having been rendered by Supreme Court on or about May 1, 1997; and an order of Supreme Court, New York County, having been entered on or about October 22, 1997 denying defendant's motion pursuant to CPL 440 to vacate the judgment of resentence rendered on or about May 1, 1997; and an order of a Justice of this Court having been entered on June 22, 1999 denying defendant's application for a certificate granting leave to appeal to this Court from the order of Supreme Court entered on or about October 22, 1997; and an order of Supreme Court, New York County (McLaughlin J.) having been entered on August 11, 2009 denying defendant's renewed motion pursuant to CPL 440 to vacate the judgment of resentence rendered on or about May 1, 1997;

And defendant having moved this Court for leave to appeal as of right from the aforesaid order of the Supreme Court, New York County entered on or about August 11, 2009,

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 November 5, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

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

-against-

M-4578
Ind. No. 2333/07

Eugene Cox,
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 August 20, 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 November 5, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

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

-against-

M-4629
Ind. No. 99013/09

John Walden,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Megan Tallmer, J.) entered on or about September 14, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

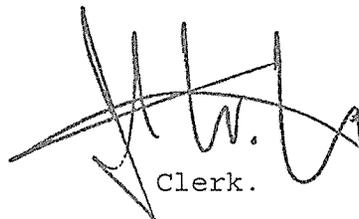
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Tallmer as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 November 5, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

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

-against-

Darwin Castro,
Defendant-Appellant.

M-4576
Ind. Nos. 4607/07
583/08

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 30, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

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

-against-

M-4582
Ind. No. 4948/08

Charles A. Gilbert,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 12, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

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

-against-

M-4584
Ind. No. 116/03

Stephan Pitts,
Defendant-Appellant.

-----X

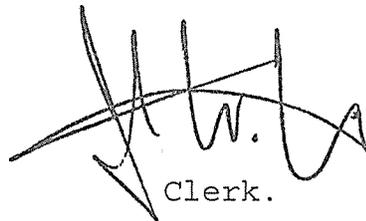
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 14, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

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

-against-

M-4474
Ind. No. 3150/05

L'Mani Delima, also known as Lmani
Delima,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 29, 2007 (M-2568), withdrawing defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 8, 2006,

And defendant having moved to reinstate the aforesaid appeal, 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

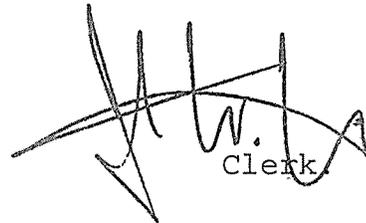
Ordered that the motion is denied, the underlying judgment having been vacated.

Sua sponte, the motion is deemed to be one for poor person relief with respect to the judgment of the Supreme Court, New York County, rendered on or about June 25, 2008, from which a timely notice of appeal was filed and as such is granted to permit 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 said 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 November 5, 2009.

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

-----X
Diomara DeJesus, etc.,

Plaintiff-Respondent,

-against-

M-3391

Index No. 23568/06

Jose J. Alba, et al.,

Defendants-Appellants.
-----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 June 9, 2009 (Appeal No. 136),

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

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

-----X
Slemish Corp., S.A.,
Plaintiff-Appellant,

-against-

M-3524
Action No. 1
Index No. 109226/07

Robert M. Morgenthau, District
Attorney of New York County,
Defendant-Respondent.

-----X
Tupi Cambios, S.A.,
Plaintiff-Appellant,

-against-

Action No. 2
Index No. 109227/07

Robert M. Morgenthau, District
Attorney of New York County,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 2, 2009 (Appeal No. 697),

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 November 5, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-4559
Index No. 602318/07

William M. Steers,
Defendant-Respondent.

-----X

Plaintiffs having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 6, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 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 November 5, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Atinsola Martins and Risikat Martins,
Plaintiffs,

-against-

M-4526

M-4567

Little 40 Worth Associates, Inc.,
et al.,
Defendants.

Index No. 123051/02

-----X
Little 40 Worth Associates, Inc., et al.,
Third-Party Plaintiffs-Appellants-
Respondents,

Third-Party
Index No. 591095/04

-against-

Partners Cleaning, LLC.,
Third-Party Defendant-Respondent.

-----X
Partners Cleaning, LLC.,
Second/Third-Party Plaintiff-
Respondent,

Second/Third-Party
Index No. 590607/05

-against-

Twi-Laq Industries, Inc.,
Second/Third-Party Defendant-
Respondent,

Chemical Specialties Manufacturing
Corporation,
Second/Third-Party Defendant-
Respondent-Appellant.

-----X

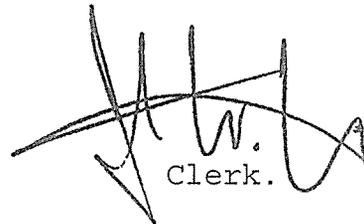
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 8, 2008 (mot. seq. nos. 009 and 010),

And appellant (M-4526) and cross appellant (M-4567) having moved by separate motions for an enlargement of time in which to perfect the respective appeal and cross appeal,

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the February 2010 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Henry Reyes, an infant by his
mother and natural guardian,
Lesley Echevarria Ortiz and
Lesley Echevarria Ortiz,
Individually,
Plaintiffs-Appellants,

-against-

M-4340
Index No. 6407/04

2328 Uniave Corp., et al.,
Defendants,

St. Barnabas Hospital,
Defendant-Respondent.

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

Index No. 84750/05

Plaintiffs-appellants having moved for a further enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about August 11, 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 February 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----X
Grand Manor Health Related Facility,
Inc.,
Plaintiff-Respondent,

-against-

M-4511
Index No. 301880/08

Hamilton Equities, Inc., Hamilton
Equities Company, Robert Nova and
Susan Chait-Grandt,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 29, 2009,

And defendants-appellants having moved for a stay of the injunctive relief afforded plaintiff by the aforesaid order of the Supreme Court pending hearing and determination of 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 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 November 5, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----X
New York Coalition for Quality
Assisted Living, Inc.,
Plaintiff-Respondent,

-against-

M-4556
Index No. 400597/08

MFY Legal Services, Inc. and
Coalition for Institutionalized
Aged and Disabled, Inc.,
Defendants-Appellants.
-----X

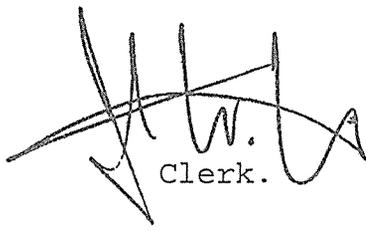
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 2, 2009 (mot. seq. no. 001),

And defendants-appellants having moved to stay the injunctive provisions of the aforesaid order and judgment (one paper) pending hearing and determination of the appeal, and for a preference in the hearing of said 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 only to the extent of granting appellant a preference in the hearing of the appeal for the first week of the February 2010 Term and upon perfection the Clerk is directed to so calendar the appeal. The motion is otherwise 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 November 5, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
Janulyn McKanic,
Plaintiff-Appellant,

-against-

M-4571
Index No. 602360/05

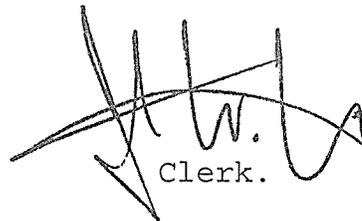
Amigos Del Museo Del Barrio,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for a further enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 7, 2008 (mot. seq. no. 004),

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 on or before December 7, 2009 for the February 2010 Term. Sua sponte plaintiff is directed to consolidate the aforesaid appeal with the appeals taken from the orders of the Supreme Court entered November 24, 2008 and December 4, 2008 for said 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 November 5, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Danielle Wansi,
Plaintiff-Respondent,

-against-

M-4164
Index No. 3755/05

Emmanuel Wansi,
Defendant-Appellant.

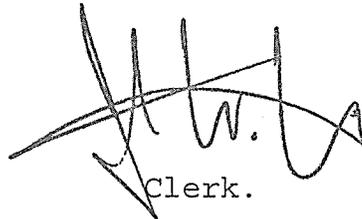
-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about January 12, 2009,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the March 2010 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the 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 November 5, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Elizabeth Infante and Jimmy Roman,
Plaintiffs-Appellants,

-against-

M-4197
Index No. 7646/07

Franklin Fernandez,
Defendant-Respondent.
-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 31, 2008,

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

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

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 November 5, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Wilfred Rosado, individually and
derivatively as a shareholder on
behalf of Castillo Rosado, Inc.,
Edmundo Castillo, LLC, Edmundo
Castillo International, S.r.l.,
Plaintiffs-Appellants,

M-3807
Index No. 601856/07

-against-

McAloon & Friedman, P.C. and
Stanley D. Friedman, individually,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about June 4, 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 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 November 5, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

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

-against-

M-4454
Ind. No. 2443N/08

David Joseph,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 22, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

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

-against-

M-4456
Ind. No. 5319N/08

Lincoln Clark,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 8, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 November 5, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3423A
Ind. No. 1805/07

Melville Powell,
Defendant-Appellant.

-----X

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

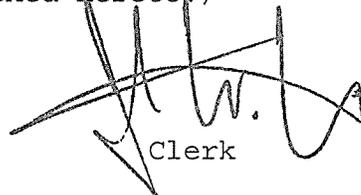
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of, sua sponte, deeming the moving papers a timely filed notice of appeal, 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. The order of this Court entered on October 15, 2009 (M-3423), is hereby recalled and vacated. (See M-5904 entered on January 15, 2009, a copy of which is annexed hereto.)

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 January 15, 2009.

PRESENT - Hon. Jonathan Lippman, 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-5904
Ind. No. 1805/07

Melville Powell,
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 October 22, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

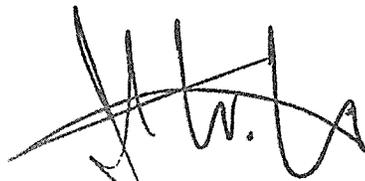
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 **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 November 5, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Yahya Sabree W.,

A Person Alleged to Be a Juvenile
Delinquent,

M-3464
Docket No. D838/09

Respondent-Appellant.
-----X

Valedah J. having moved on behalf of appellant for leave to prosecute the appeal from an order of the Family Court, New York County, entered on or about June 24, 2009, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Andre Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10607, Telephone No. 212-233-0138, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt**

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

of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

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 November 5, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
The People of the State of New York
ex rel. Anthony DeMarta,

Petitioner-Appellant,

-against-

M-3750
Index No. 401201/09

Warden, Rikers Island Correctional Facility and New York State Division of Parole, et al.,

Respondent-Respondent.

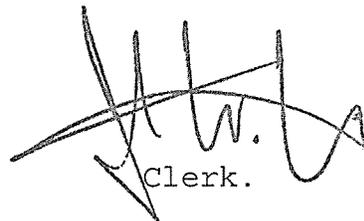
-----X

Petitioner-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 June 19, 2009, which dismissed a habeas corpus proceeding, for leave to have the appeal heard 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 denied, with leave to renew upon submission of an affidavit addressing the merits of the appeal.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-4262
Ind. No. 509/08

Leonel Perez,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from a judgment of the Supreme Court, New York County, rendered on or about June 30, 2009,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of 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, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay trial counsel's fee and to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

Enter:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
In the Matter of
Marisol Capellan and Cirilo Capellan,
Plaintiffs-Appellants,

-against-

M-4398
Index No. 107320/08

Alan Douglas Marsh,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 15, 2009 (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 on or before December 7, 2009 for the February 2010 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 November 5, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
Conchita Ortiz,
Plaintiff-Appellant,

-against-

M-4543
Index No. 14574/04

995 LLC,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 16, 2008 and to include the settled trial transcript in the record on 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 to on or before December 7, 2009 for the February 2010 Term. Plaintiff is directed to include the aforesaid settled trial transcript in the record on appeal.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-4394
Ind. No. 6127/06

Eddy Pena,

Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 12, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 2010 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 November 5, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
ST Owner, L.P.,
Petitioner-Respondent,

-against-

M-4547
Index No. 570181/08

John Doe, et al.,
Respondents-Appellants.

-----X

Respondent-appellant Christopher Thomas having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about June 24, 2009,

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 November 5, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x
Inner City Redevelopment Corp.,
Plaintiff-Respondent,

-against-

Thyssenkrupp Elevator Corporation, M-4293
Defendant-Appellant, Index No. 103830/07

-and-

Lexington Insurance Company,
Defendant-Respondent.

-----x

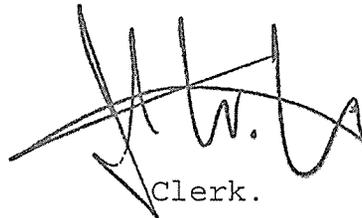
Appeals having been taken to this Court by defendant Thyssenkrupp Elevator Corporation from orders of the Supreme Court New York County, entered on or about December 16, 2008 (mot. seq. no. 003) and September 2, 2009 (mot. seq. nos. 004, 005), respectively,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals, which are sua sponte consolidated, 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 May 2010 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 November 5, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-4276
Ind. No. 343/08

Lenin R. Lebron,
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 April 16, 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 upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman, Justices.

-----X
In re Jazmin A.,

A Person Alleged to be
a Juvenile Delinquent,
Appellant.

M-4330
Docket No. D4540/08

- - - - -
Presentment Agency
-----X

Respondent presentment agency having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 19, 2009 (Appeal No. 577),

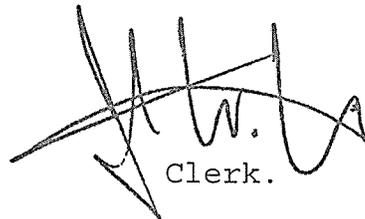
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 reversed 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.

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 November 5, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against-

M-4133
Ind. No. 2721N/05

Jonathan Vivenes-Pena,

Defendant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 14, 2006, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

Simon Duran,

Defendant-Appellant.
-----X

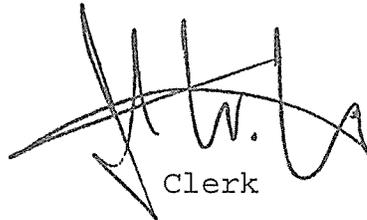
M-4201
M-3954
Ind. No. 63575C/07

Defendant-appellant having moved, through retained counsel, for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 24, 2008 (M-4201),

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 (M-4201) is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term. The previously submitted motion seeking withdrawal of the appeal (M-3954) 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 November 5, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x
Illinois National Insurance Company,
Plaintiff-Respondent,

-and-

The New York City School Construction
Authority, et al.,
Plaintiffs,

M-4235
Index No. 604466/05

-against-

General Star Indemnity Company,
Defendant-Appellant.

-----x

Defendant-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 December 4, 2008, or for alternative 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 enlarging the time in which to perfect the appeal to the March 2010 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 November 5, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Gerard Woods, et al.,

Plaintiffs-Appellants,

-against-

126 Riverside Drive Corp., et al.,

Defendants-Respondents.
-----X

M-3824
M-3970
M-4016
Index No. 601631/07

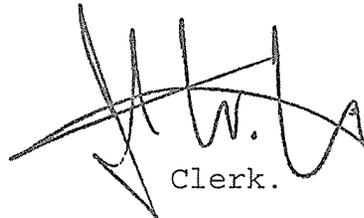
Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 2, 2009 (Appeal No. 982) [M-3824],

And defendants-respondents having cross-moved, by separate motions, for the imposition of sanction against plaintiffs-appellants for frivolous conduct pursuant to 22 NYCRR 130-1.1 of the Rules of this Court [M-3970/M-4016],

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

It is ordered that the motion and cross motions are 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 November 5, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

-against-

M-4225
Ind. No. 6503/00

Sherese Topy, also known as Angela Allen,
Defendant-Appellant.

-----X

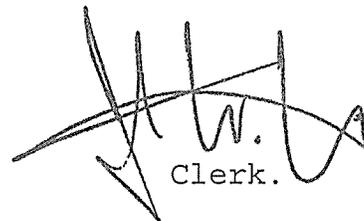
An order of this Court having been entered on June 9, 2005 (M-2320/D.C. #99), dismissing the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 13, 2002,

And defendant-appellant having moved for reargument and/or reconsideration of the order of this Court entered on June 9, 2005 (M-2320/D.C. #99),

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 November 5, 2009.

Present - Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Cornealius Campbell,
Plaintiff-Respondent,

-against-

M-4275
Index No. 303309/04

Anita Brown-Campbell,
Defendant-Appellant.

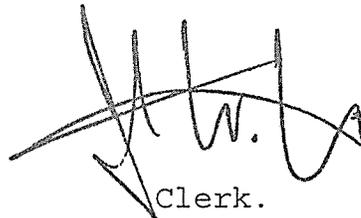
-----X

Defendant-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 March 20, 2008,

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

It is ordered that the motion is granted on condition the appeal is perfected on or before January 4, 2010 for the March 2010 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the 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 November 5, 2009.

Present - Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Rochelle Schechter,
Plaintiff-Respondent, M-4332

-against- Index No. 123520/02

UVI Holdings, Inc., et al.,
Defendants-Respondents.

UVI Holdings, LLC,
Third-Party Plaintiff-Respondent,

-against- Index No. 590413/05

Nabil Abdullah, et al.,
Third-Party Defendants-Respondents.

Nabil Abdullah, et al.,
Fourth-Party Plaintiffs-Respondents,

-against- Index No. 590769/05

Centurion Insurance Company, sued herein
as Centurian Insurance Company,
Fourth-Party Defendant-Appellant.
-----X

Fourth-party defendant-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 November 2, 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 on or before March 22, 2010 for the June 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 November 5, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Yuppie Puppy Pet Products, Inc.,
et al.,

Plaintiffs-Respondents,

M-4351
Index No. 601450/08

-against-

Street Smart Realty LLC, et al.,

Defendants-Respondents,

Petra Mortgage Capital Corp.,
et al.,

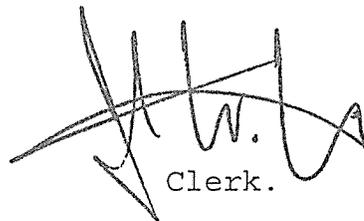
Proposed Intervenors-Appellants.
-----X

Proposed intervenors-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 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 to the extent of enlarging the time in which to perfect the appeal to on or before February 22, 2010 for the May 2010 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 November 5, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Eliot Nisenbaum, et al.,

Plaintiffs-Appellants-Respondents,

-against-

M-4377

Index No. 112492/06

Magaw Management, LLC, et al.,

Defendants-Respondents-Appellants.

-----X

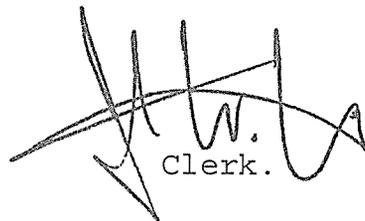
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 11, 2008,

And plaintiffs-appellants-respondents 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 May 2010 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 November 5, 2009.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

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

-against-

M-4473
Ind. No. 4536/05

Paul Tillman,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about August 18, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

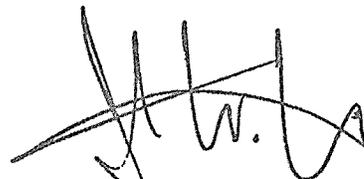
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 John T. Buckley
 James M. Catterson
 Rolando T. Acosta
 Helen E. Freedman, Justices.

-----X
The People of the State of New York
ex rel. John Lee,

Petitioner-Appellant,

-against-

M-4476
Index No. 51498/06

Warden, Rikers Island Correctional
Facility and New York State Division
of Parole,

Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about June 20, 2006, which dismissed a habeas corpus proceeding, for leave to have the appeal heard 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 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 November 5, 2009.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 John T. Buckley
 James M. Catterson
 Rolando T. Acosta
 Helen E. Freedman, Justices.

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

Respondent,

-against-

M-4480
Ind. No. 2794/07

Paul Alexander,

Defendant-Appellant.
-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2008,

And defendant-appellant pro se having moved for permission to argue his appeal before this Court,

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 November 5, 2009.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Westprop Corp.,
Petitioner-Landlord-Appellant,

-against-

M-4388
Index No. 570632/08

Marco Smythe,
Respondent-Tenant,

-and-

Daniel Carrier,
Respondent-Undertenant-Respondent.

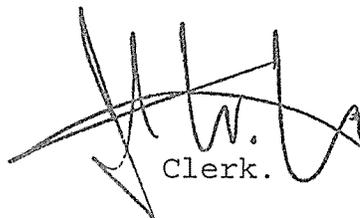
-----X

Respondent-undertenant Daniel Carrier having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 22, 2009,

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 November 5, 2009.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X

In the Matter of

Felicia D. and Sonia C.,

Dependent Children Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act.

Commissioner of the Administration for Children's Services of the City of New York,
Petitioner-Appellant/Respondent,

M-4662
Docket Nos. NA38/08
NA39/08

Juana F.,
Respondent-Respondent/Appellant,

Ruben F.,
Respondent.

Emily Kernan, Esq., Lawyers for Children,
Law Guardian for the Children.

-----X

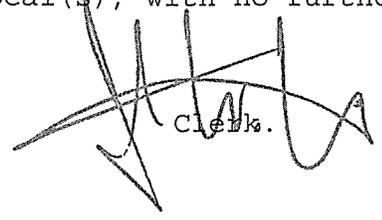
Separate appeals having been taken from the order of the Family Court, New York County, entered on or about May 4, 2009,

And petitioner-appellant Agency having moved for a further enlargement of time in which to perfect their appeal, for a continuation of the relief afforded petitioner by an order of a Justice of this Court, dated May 8, 2009, 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 enlarging the time of the respective parties in which to perfect each appeal to the January 2010 Term, and continuing the relief afforded petitioner by an order of a Justice of this Court, dated May 8, 2009, pending hearing and determination of said appeal(s), with no further enlargements to be granted.

ENTER:


Clerk.

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

M-5748
Ind. No. 5690/06

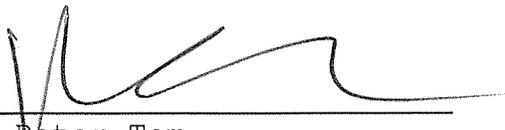
-against-

CERTIFICATE
DENYING LEAVE

Paul Simmons,

Defendant.
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 6, 2008 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: October 26, 2009
New York, New York

ENTERED NOV - 5 2009

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-4353
Ind. No. 3830/06

-against-

CERTIFICATE
DENYING LEAVE

James Henderson,
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 15, 2008, is hereby denied. To the extent that defendant seeks poor person relief and assignment of counsel, that motion is hereby denied as academic.

Dated: New York, New York
October 27, 2009

ENTERED NOV - 5 2009



DAVID FRIEDMAN
Justice of the Appellate Division