

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 October 6, 2009.

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

-----X  
Cynthia Freedman,  
Plaintiff-Appellant,

-against-

M-3933  
Index No. 350164/08

Samuel Freedman,  
Defendant-Respondent.

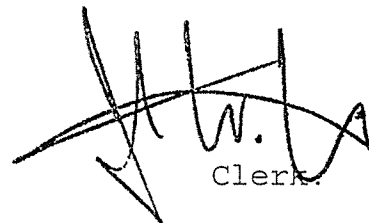
-----X

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 20, 2009 (mot. seq. no. 001),

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

It is ordered that the appeal and motion are deemed withdrawn in accordance with the aforesaid stipulation.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 October 6, 2009.

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

-----X  
Dario Brioso,

Plaintiff-Respondent,

-against-

New York City Housing Authority,

Defendant-Appellant.  
-----X

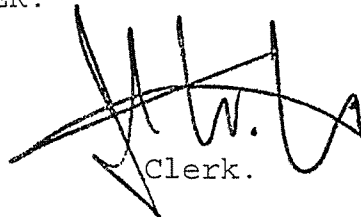
M-4118X  
Index No. 26506/04

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 6, 2009.

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

-----X  
Lisa J. Weksler, etc.,

Plaintiff-Appellant,

-against-

M-4205X  
Index No. 603288/07

Joseph Weksler, etc., et al.,

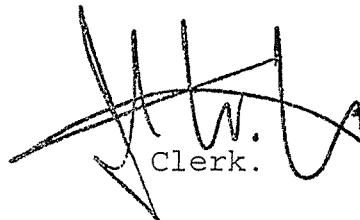
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 7, 2008 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 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 October 6, 2009.

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

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

-against-

M-4003  
Ind. No. 3829/08

Randall John,  
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 July 9, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

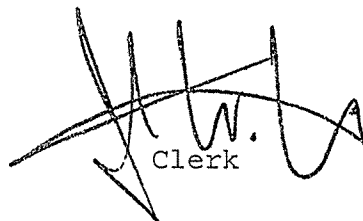
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

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

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

-against-

M-4005  
Ind. No. 1786/08

Donald McLeod,  
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 July 21, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

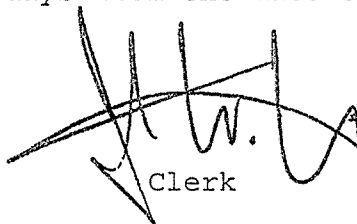
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

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

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

-against-

M-4006  
Ind. No. 5069/08

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

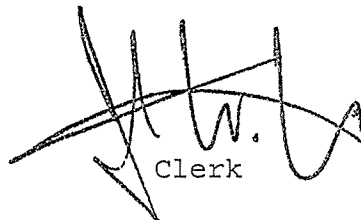
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

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

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

-against-

M-4007  
Ind. No. 5602/03

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

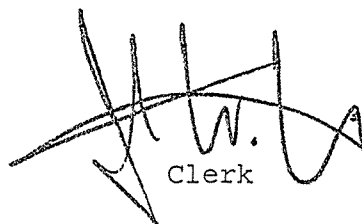
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

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

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

-against-

M-4010  
Ind. No. 4719/08

Nikita Daniels,  
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 July 16, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

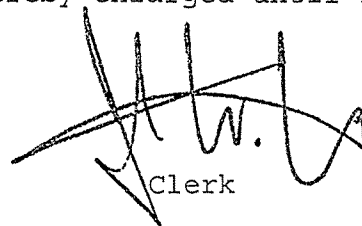
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

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

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

-against-

M-4011  
Ind. No. 2379/07

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

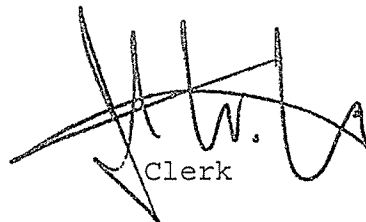
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

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

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

-against-

M-4012  
Ind. No. 762/07

Kenneth Woodley,  
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 December 6, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

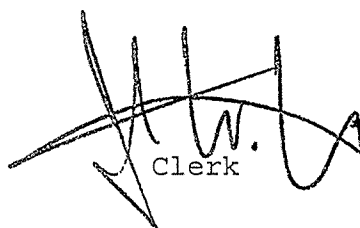
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 October 6, 2009.

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

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

-against-

M-4014  
Ind. No. 3401/07

Brian McFadden,  
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 July 6, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

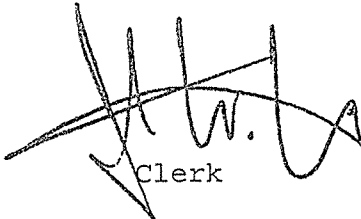
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 October 6, 2009.

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

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

-against-

M-4015  
Case No. 65148C/08

Pablo Figueroa, also known as  
John Doe,  
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 May 11, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

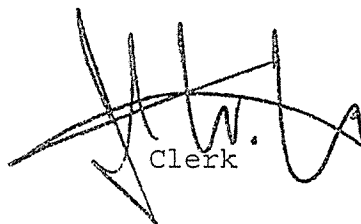
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

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

-----X  
Eligio Patino, also known as Eligio  
Patino, Jr.,

Plaintiff-Appellant,

-against-

John Pena and Bilander HDFC,

Defendants-Respondents.  
-----X

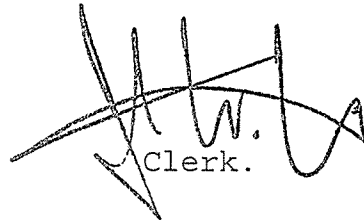
M-2788  
Index No. 570478/08

Plaintiff having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about October 31, 2008, 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.

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 October 6, 2009.

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

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

Sean Laird,

Petitioner-Appellant,

For a Judgment, etc.,

-against-

Raymond Kelly, etc., et al.,

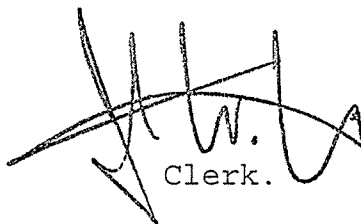
Respondents-Respondents.  
-----X

Petitioner having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about September 30, 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 January 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 October 6, 2009.

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

-----X  
Millennium Partners, L.P.,  
Plaintiff-Appellant,

-against-

M-3980  
Index No. 601878/07

Select Insurance Company,  
Defendant-Respondent,

-and-

Twin City Fire Insurance Company,  
Defendant.

-----X

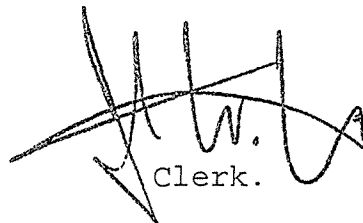
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 10, 2009 and from the judgment of said Court entered on or about March 13, 2009, respectively,

And plaintiff-appellant having moved for an order taking judicial notice of a certain affidavit filed in a matter pending in the United States District Court for the Southern District of New York,

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 October 6, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
John T. Buckley  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Rafael Hernandez, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-2908  
Index No. 114511/03

Michelle Vavra, et al.,  
Defendants-Appellants,

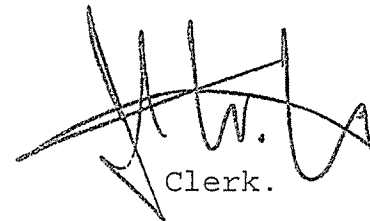
Evelio Torres, et al.,  
Defendants-Respondents.  
-----X

Defendants Michelle Vavra and Liberty Lines Express, Inc., 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 May 28, 2009 (Appeal No. 673),

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 October 6, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
James M. Catterson  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
Dwight Brown, an infant by his  
mother and natural guardian,  
Cynthia Johnson, individually,  
Plaintiffs-Appellants,

-against-

M-2560  
Index No. 24949/05

Minerva G. Muniz, et al.,  
Defendants-Respondents.

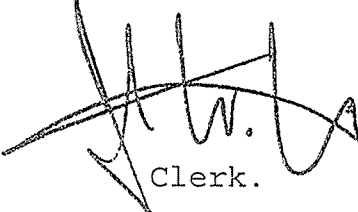
-----X

Plaintiffs 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 April 21, 2009 (Appeal No. 5147),

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 October 6, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
James M. Catterson  
James M. McGuire  
Dianne T. Renwick, Justices.

-----X  
The People of the State of New York,  
by Andrew M. Cuomo, etc.,

Plaintiff-Appellant,

-against-

M-3094  
Index No. 405326/06

Wells Fargo Insurance Services, Inc.,  
et al.,

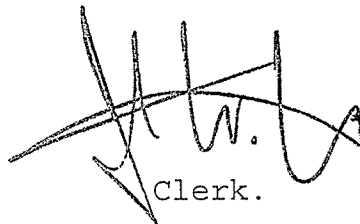
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 5, 2009 (Appeal No. 470-471),

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 in the County of New York on October 6, 2009.

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

-----X  
Sharon Wechsler,  
Plaintiff-Respondent,

-against-

M-218  
M-1162  
Index No. 350250/01

Norman Wechsler,  
Defendant-Appellant.  
-----X

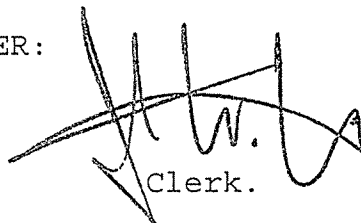
Defendant-appellant having moved (M-218) for removal to this Court proceedings initiated by plaintiff in Supreme Court, New York County (Laura E. Drager, J.) by Order to Show Cause dated November 26, 2008 and returnable in said Court on January 21, 2009 or for alternative relief with respect to a certain undertaking, the subject of the aforesaid proceedings,

And defendant-appellant having separately moved (M-1162) for a stay of the order of the Supreme Court, New York County, entered on or about March 4, 2009 which, inter alia, directed the Commissioner of Finance of the City of New York to turn over the proceeds of the aforesaid undertaking to plaintiff-respondent pending hearing and determination of the appeal taken from the order of Supreme Court, entered on or about March 4, 2009, and for a general stay of further proceedings initiated by plaintiff in any other Court pending further proceedings in this Court,

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

It is ordered that motion (M-218) is dismissed as academic; motion (M-1162) is denied, and the order of a Justice of this Court dated March 13, 2009 is herewith 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 October 6, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-3940  
Ind. No. 2111/09

John Marshall,  
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 June 3, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

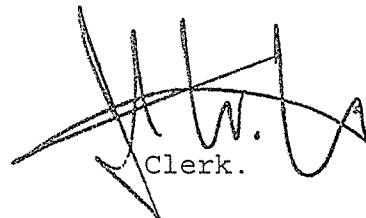
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-3962  
Ind. No. 666/07

Alfonzo Faulk,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 17, 2008 (M-6711) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 15, 2007, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal,

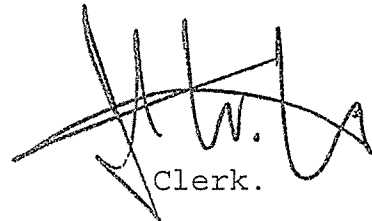
And retained counsel, Nikia L. Way, Esq., having moved for an order of this Court relieving assigned counsel and substituting retained counsel to prosecute the appeal, and for related relief,

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 striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

The motion, insofar as it seeks substitution of retained counsel, is denied as unnecessary.

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 October 6, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Sheila Abdus-Salaam, Justices.

-----X  
James Couri,

Plaintiff-Respondent-Appellant,

-against-

John Siebert, et al.,

Defendants-Appellants-Respondents.  
-----X

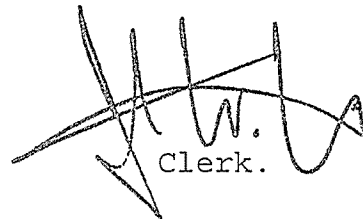
M-3053  
Index No. 107240/04

Plaintiff-respondent-appellant having moved to vacate and reverse the decision and order of this Court entered on February 28, 2008 (Appeal No. 2522), which modified the order of the Supreme Court, New York County, entered on or about February 21, 2007, and dismissed plaintiff's complaint,

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 October 6, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
In re The City of New York,  
Petitioner-Appellant,

-against-

M-3128  
Index No. 400705/05

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


-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 4, 2009 (Appeal No. 4849-4849A),

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 October 6, 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-3635  
Ind. No. 1243/04

Ansari O'Neal, also known as Anasari  
O'Neal,  
Defendant-Appellant.

-----X

An appeal having been taken by defendant from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 24, 2008,

And Robert S. Dean, Esq., assigned counsel for defendant, having moved to withdraw the aforesaid appeal as abandoned, 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 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 October 6, 2009.

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

-----X  
Samuel Rudick, as Executor of the  
Estate of Patricia Rudick, deceased  
and Samuel Rudick, individually,  
Plaintiff-Appellant,

-against

Lissa Hirsch, Galasso, Hirsch & Russell,  
M.D.'s, P.C., Peter J. Bruno, Peter J.  
Bruno M.D., P.C., Myron D. Goldberg,  
Myron D. Goldberg, M.D., P.C., Madison  
Medical-The Private Practice Group of  
New York, LLP and Lenox Hill Radiology &  
Medical Imaging Associates, P.C.,  
Defendants-Respondents.

M-3620  
M-3672  
Index No. 103975/05

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 1, 2008 (mot. seq. no. 003),

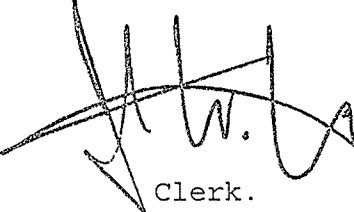
And defendants-respondents, Peter J. Bruno, Peter J. Bruno, M.D., P.C., Myron D. Goldberg, Myron D. Goldberg, M.D., P.C. and Lenox Hill Radiology & Medical Imaging Associates, P.C., having moved to dismiss the aforesaid appeal (M-3620),

And defendants-respondents, Lissa Hirsch, M.D. and Galasso, Hirsch & Russell, M.D.'s, P.C., having cross-moved for the same relief,

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 motions are 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 October 6, 2009.

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

-----X  
Eileen F. Breen, et al.,  
Plaintiffs,  
-against- M-3680  
Action No. 1  
Index No. 23709/05

LLM Associates, LLC., et al.,  
Defendants.  
-----X  
LLM Associates, LLC. and Frank A.  
Ciolli,  
Plaintiffs-Appellants, Action No. 2  
Index No. 21397/05  
-against-

Eileen F. Breen, et al.,  
Defendants-Respondents.  
-----X  
Eileen F. Breen,  
Plaintiff-Respondent, Action No. 3  
Index No. 23605/05  
-against-

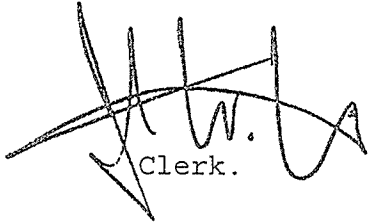
Frank A. Ciolli and LLM Associates,  
LLC.,  
Defendants-Appellants.  
-----X

Appellants having moved for an enlargement of time in which to perfect the appeal taken from the orders of the Supreme Court, Bronx County, entered on or about August 29, 2007, May 20, 2008 and October 1, 2008, respectively,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

PRESENT: Hon. Angela M. Mazzaelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

Carlos Lopez,  
Plaintiff,

-against-

M-4146  
Index No. 22579/04

Post Management LLC., Storage Post,  
Bronx Self-Storage, LLC., Slayton  
Development Group, Tapco Management,  
LLC., Metcon Construction Management,  
LLC., and Metcon Construction, Inc.,  
Defendants.

-----X

Post Management, LLC. and Bronx Self-  
Storage,  
Third-Party Plaintiffs,

-against-

Third Party  
Index No. 84852/05

Metcon Construction Corp.,  
Third-Party Defendant,

Metcon Construction Management LLC.,  
Tapco Management, LLC., Harry Tappen,  
Third-Party Defendants-Appellants,

-and-

Lea Electrical Corp. and Paragon  
Electrical Service Corp.,  
Third-Party Defendants-Respondents.

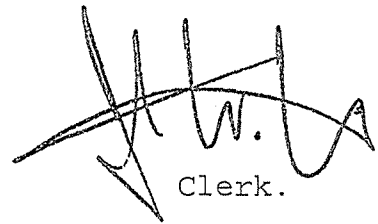
-----X

Third-party defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 22, 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 to dismiss the appeal is denied without prejudice to addressing the issue in Respondent's brief. Sua sponte the aforesaid appeal is adjourned to the December 2009 Term.

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 October 6, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Eugene Nardelli  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-3856  
Ind. No. 6882/06

Eugenio Cidron,  
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 January 3, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

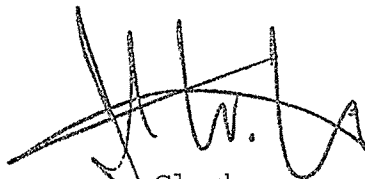
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Steven M. 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 October 6, 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

China S. and Storm S.,

A Proceeding for Custody and/or Visitation Under Article 6 of the Family Court Act.

M-3296

M-3669

- - - - -  
Tonia J., also known as Tania J.,  
Petitioner-Appellant,

Docket Nos. V297/06  
V12012-3/05  
V12351-2

-against-

Levon S.,  
Respondent-Respondent.

- - - - -  
John Marafino, Esq.,  
Law Guardian for China S.,

Dora Lassinger, Esq.,  
Law Guardian for Storm S.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about May 27, 2009,

And Alexander M. Carlin, Esq., having moved to be relieved as law guardian for subject child, China S., and to substitute other counsel as law guardian to respond to the appeal (M-3296),

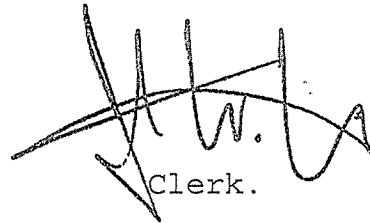
And James H. Tatem, Esq., having moved to be relieved as law guardian for subject child, Storm S., and to substitute other counsel as law guardian to respond to the appeal (M-3669),

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

Ordered that the motion (M-3296) is granted to the extent of striking the designation of Alexander M. Carlin, Esq., as law guardian for subject child, China S., and substituting, pursuant to Section 722 of the County Law, John Marafino, Esq., 9 West Prospect Avenue, Suite 409, Mount Vernon, NY 10550, Telephone No. (914-663-1500), as law guardian for purposes of responding to the appeal, and it is further

Ordered that the motion (M-3669) is granted to the extent of striking the designation of James H. Tatem, Esq., as law guardian for subject child, Storm S., and substituting, pursuant to Section 722 of the County Law, Dora Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 877-8986, as law guardian for purposes of responding to 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 October 6, 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-3847  
Ind. No. 1207/07

Roshawn McKend-Pettaway,

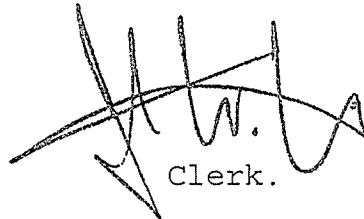
Defendant-Appellant.  
-----X

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 March 4, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 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 October 6, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3904  
Ind. No. 5385/07

James Murray,

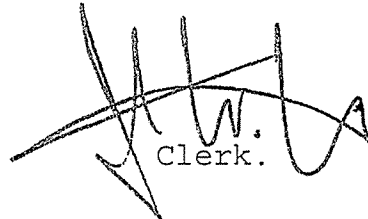
Defendant-Appellant.  
-----X

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 July 29, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$4,000 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 October 6, 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-3778  
Ind. No. 4727/07

Jason Washington,

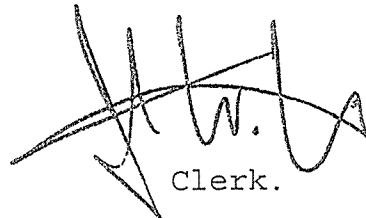
Defendant-Appellant.  
-----X

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 September 4, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, James Layton Koenig, Esq., to post the \$5,000 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 October 6, 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

Christy C., Jaleek T. and Shalick T.,

Dependent Children Under 18 Years  
of Age Alleged to be Abused and/or  
Neglected Under Article 10 of the  
Family Court Act.

M-3493  
Docket Nos. NN26073/07  
NN26074/07  
NN26075/07

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

Jeffrey C.,  
Respondent-Appellant.

-----  
Randall Carmel, Esq.,  
Law Guardian for the Children.

-----X

Appeals having been taken by respondent-appellant father from the order of the Family Court, Bronx County, entered on or about November 19, 2008, and from the order of disposition and the order of protection of said Family Court, both entered on or about May 19, 2009,

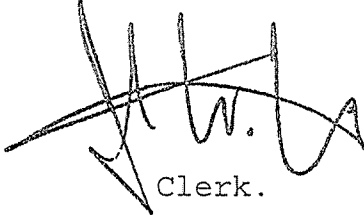
And respondent-appellant father having moved to consolidate the aforesaid appeals,

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 consolidating the appeals from the order entered on November 19, 2008 and the order of disposition entered on May 19, 2009 and the time in which to perfect the consolidated appeals is enlarged to the January 2010 Term. Sua sponte, the appeal taken from the order of protection entered on May 19, 2009 is dismissed, and it is further

Ordered that, pursuant to Section 722 of the County Law, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, is assigned as law guardian for purposes of responding to 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 October 6, 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-3774  
Ind. No. 3378/07

Ariel Enriquez, also known as Ariel  
Henriquez,  
Defendant-Appellant.

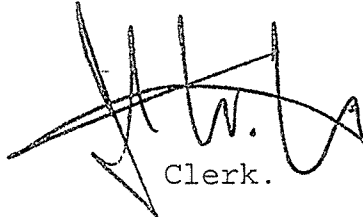
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 2, 2009, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 7, 2009 for the February 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2009.

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

-----X  
Doyle & Doyle Ventures, Inc.  
Plaintiff-Respondent,

-against-

Lucky's Inc.,  
Defendant,

M-3893  
M-3895  
Index No. 118888/06

Lucky Conti and Lucky of 195 Madison  
Street Roofing & Contracting, Inc.,  
Defendants-Appellants.  
-----X


Defendant-appellant Lucky Conti having moved (M-3893) 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 November 3, 2008 (mot. seq. no. 004),

And plaintiff-respondent having cross-moved (M-3895) to dismiss the aforesaid appeal,

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 (M-3893) is granted to the extent of enlarging the time in which to perfect the appeal to on or before November 9, 2009 for the January 2010 Term. It is further ordered that the cross-motion (M-3895) to dismiss the appeal is granted unless the appeal is perfected for said January 2010 Term. 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 of 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 October 6, 2009.

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

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

Citizens Emergency Committee to  
Preserve Preservation,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-4031  
M-4192  
Index No. 103373/08

Robert B. Tierney, Chair of the New  
York Landmarks Preservation Commission  
and Kate Daly, Executive Director of  
the New York City Landmarks Preservation  
Commission,

Respondents-Appellants.

-----X

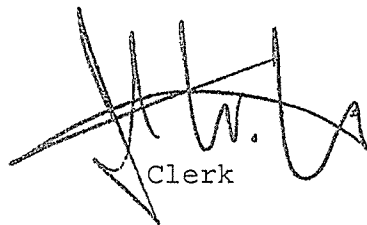
Respondents-appellants having moved (M-4031) for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about November 21, 2008 (mot. seq. no. 001),

And petitioner-respondent having cross-moved (M-4192) to dismiss the aforesaid appeal,

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 (M-4031) is granted on condition the appeal is perfected on or before December 7, 2009 for the February 2010 Term. The cross motion (M-4192) to dismiss the appeal is granted unless the appeal is perfected for said February 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided petitioner-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 October 6, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Christopher Flores, etc., et al.,

Plaintiffs-Appellants,

M-3832  
Index No. 7532/05

-against-

City of New York,

Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 14, 2009 (Appeal No. 560),

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 October 6, 2009.

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

-----X  
Lakima Anderson,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-3881  
Index No. 400934/08

-against-

Tino Hernandez, as Chairman of the  
New York City Housing Authority, and  
the New York City Housing Authority,  
Respondents.

-----X

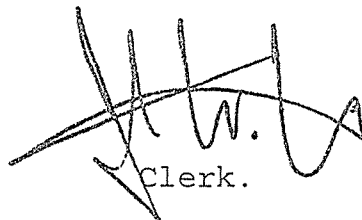
An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 20, 2009 (mot. seq. no. 001),

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish petitioner's indigency, and a copy of the administrative determination from which Article 78 relief is sought.

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 October 6, 2009.

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

-----X  
Carolyn Curiel,  
Plaintiff-Appellant,

-against-

M-4214  
Index No. 102326/06

Loews Cineplex Theaters, Inc.,  
doing business as Loews Entertainment  
Corporation, doing business as Loews  
Cineplex Lincoln Square 12 at 1988  
Broadway, New York, New York,  
Defendant-Respondent.

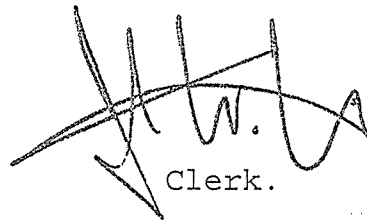
-----X

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 28, 2008 (mot. seq. no. 003),

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

It is ordered that the motion is granted.

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 October 6, 2009.

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

-----X  
Howard Hoffman,

Plaintiff-Appellant,

-against-

Parade Publications, et al.,

M-2683  
M-2685  
Index No. 115851/07

Defendants-Respondents.  
-----X

Defendants-respondents having moved by separate motions for reargument of (M-2683), or leave to appeal to the Court of Appeals (M-2685) from, the decision and order of this Court entered on May 7, 2009 (Appeal No. 48),

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

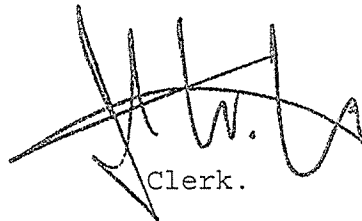
It is ordered that the motion for reargument (M-2683), is denied, and it is further

Ordered that the motion for leave to appeal to the Court of Appeals (M-2685), 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 judgment 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 October 6, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta  
Helen E. Freedman, Justices.

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

-against-

M-4174  
SCID No. 30142/07

Scott Liden,  
Defendant-Appellant.

-----X

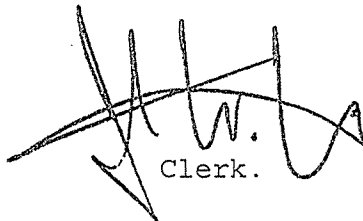
An order of this Court having been entered on April 23, 2009 (M-1405) [Corrected Order April 24, 2009] inter alia granting defendant leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (John Cataldo, J.) entered on January 8, 2009 and assigning counsel to prosecute the appeal,

And defendant having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

Ordered that the time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date 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 October 6, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Jimmy Auriemma and Davonne Auriemma,  
Plaintiffs-Respondents,

-against-

Biltmore Theater, LLC, et al.,  
Defendants-Appellants.

M-4282  
Index No. 116971/03

-----X  
Sweet Construction Corp., et al.,  
Third-Party Plaintiffs-Respondents-  
Appellants,

-against-

Mass Electric Construction Company,  
et al.,  
Third-Party Defendants-Appellants-  
Respondents.

Third-Party  
Index No. 590748/04

-----X  
Sweet Construction Of Long Island,  
Inc., et al.,  
Second Third-Party Plaintiffs,

-against-

Mass Electric Construction Company,  
et al.,  
Second Third-Party Defendants.

Second Third-Party  
Index No. 590502/05

-----X

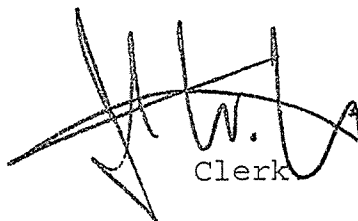
Appeals and a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 2, 2009 (mot. seq. nos. 005, 006 and 008),

And third-party defendant-appellant-respondent, Mass Electric Construction Company, having moved for an order staying further proceedings herein, including trial, pending hearing and determination of the aforesaid appeals and cross 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.

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 October 6, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
The Lansco Corporation,  
Plaintiff-Appellant-Respondent,

-against-

N.Y. Brauser Realty Corp.,  
Defendant,

M-3089  
M-3499  
Index No. 604080/07

James F. Glancy, et al.,  
Defendants-Respondents-Appellants,  
-----X

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

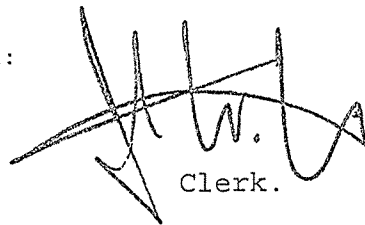
Plaintiff-appellant-respondent having moved for reargument of the decision and order of this Court entered on June 16, 2009 (Appeal No. 793) (M-3089),

And defendants-respondents-appellants having cross-moved for reargument of, or in the alternative for leave to appeal to the Court of Appeals from said decision and order (M-3499),

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-3089) and cross-motion (M-3499) 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 October 6, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
In re Eshina Realty Corp.,

Petitioner-Respondent,

-against-

New York City Water Board, et al.,

Respondents-Appellants.  
-----X

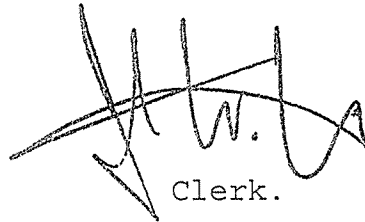
M-3178  
Index No. 20358/06

Respondents-appellants 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 16, 2009 (Appeal No. 814-814A),

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 October 6, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta  
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-4039  
Ind. No. 3210/03

Allen Andrade,

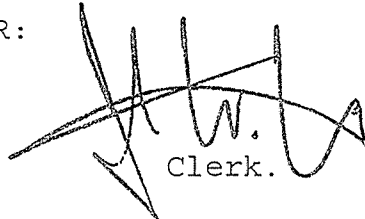
Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 30, 2006,

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 January 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 October 6, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Applications of  
the Bronx Committee for Toxic Free  
Schools, Jane Maisel, Chaira Salem,  
Omar Salem (a minor), Kathleen Saunders,  
John Fielder, D. Lee Ezell and Yolanda  
Gonzalez,  
Petitioners-Respondents,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3947  
Index No.13800/07

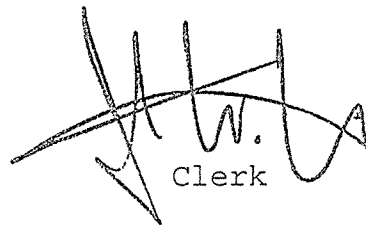
New York City School Construction  
Authority, New York City Department  
Of Education, City of New York,  
Respondents-Appellants.  
-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 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 January 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 October 6, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Rufus Michael Faulkner,  
Plaintiff-Respondent,

-against-

M-4082  
Index No. 14445/07

Montefiore Medical Center, et al.,  
Defendants-Appellants,

Robert Grossberg, M.D.,  
Defendant.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeals from the orders of the Supreme Court, Bronx County, entered on or about March 6, 2008 and December 5, 2008 respectively, and for consolidation of said 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 appellants to prosecute the appeals upon 10 copies of one record and one set of appellants points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before November 9, 2009 for the January 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 October 6, 2009.

PRESENT: Hon. James M. Catterson, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Prospect Owners Corp.,  
Plaintiff-Appellant,

-against-

Gloria Sandmeyer, et al.,  
Defendants-Appellants.

M-3306  
Index No. 604112/02

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 26, 2009 (Appeal No. 662),

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.

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

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

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

M - 3889  
Ind. No. 10614/93

-against-

CERTIFICATE  
DENYING LEAVE

Russell Harris,

Defendant.

-----X

I, Rolando T. Acosta, 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 July 21, 2009 is hereby denied.



Hon. Rolando T. Acosta  
Associate Justice

Dated: September 23, 2009  
New York, New York

ENTERED: OCT 06 2009

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M – 3922  
Indictment. Nos. 10918/88  
& 11526/88

-against-

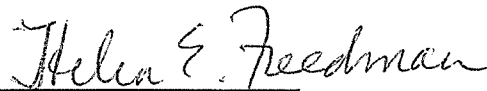
CERTIFICATE  
DENYING LEAVE

LANCE R. BRYANT,

Defendant.

-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 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 July 20, 2009 is hereby denied.



Hon. Helen E. Freedman  
Associate Justice

Dated: September 29, 2009  
New York, New York

ENTERED: OCT 06 2009

PM ORDERS

ENTERED

OCTOBER 1, 2009

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 October 1, 2009.

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

-----x  
Calogero Logiudice,  
Plaintiff-Respondent,

-against-

M-4157  
Index No. 313093/07

Adele Logiudice,  
Defendant-Appellant.

-----x

An order of this Court having been entered on August 25, 2009 (M-3514), inter alia, denying defendant-appellant's motion to stay plaintiff-respondent from filing a proposed judgment of divorce pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 3, 2009 (mot. seq. no. 002),

And defendant-appellant having moved for reargument of the aforesaid order entered on August 25, 2009 (M-3514),

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 October 1, 2009.

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

-----x  
Stickland Joseph,  
Plaintiff-Respondent-Appellant,

-against-

Verizon New York Inc., et al.,  
Defendants-Appellants-Respondents.

M-4232  
Index No. 100080/06

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 25, 2009,

And defendants having moved for an order granting a preference in hearing of the appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated September 15, 2009, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the defendants the direct appellants herein, and the appeal and cross appeal are to be perfected for the **February 2010 Term** in accordance with the briefing schedule set forth in the stipulation (Exhibit C to the moving papers).

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 October 1, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
Antoni Wilinski, et al.,  
Plaintiffs-Respondents,

-against-

**M-3990**  
Index No. 117632/05

334 East 92<sup>nd</sup> Housing Development  
Fund Corp., et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 23, 2009,

And defendants-appellants having moved for an order staying trial, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:

  
Clerk.