

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 15, 2009.

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

-----X
International Flavors & Fragrances
Inc., et al.,
Plaintiffs-Appellants,

-against-

M-4370X
Index No. 605910/01

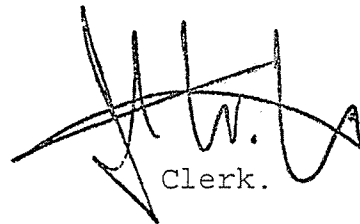
Royal Insurance Company of America,
et al.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 30, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 15, 2009.

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

-----X
Vyapar Capital Market Partners, LLC,

Plaintiff-Respondent,

-against-

M-4371X
Index No. 601379/09

ICAP Management Services Ltd. and
Kevin Evans,

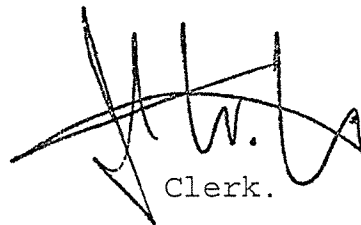
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 21, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 21, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 15, 2009.

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

-----X
Keith Fernandez,
Plaintiff-Respondent,

-against-

One Bryant Park LLC and Tishman
Construction Corporation of New York,
Defendants-Appellants,

M-4390
Index No. 112474/06

-and-

Tishman Construction Corporation of
Manhattan,
Defendant.

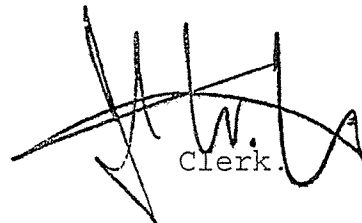
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 30, 2009 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated September 16, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2009.

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

-----X

Arben Tafani and Berlina Tafani,
Plaintiffs-Appellants,

-against-

M-4396

Index No. 113123/06

32 Sixth Avenue Company, LLC., 32 AA
Associates, LLC., Rudin 32 AA
Associates, LLC and Rudin Management
Co., Inc.,

Defendants-Respondents.

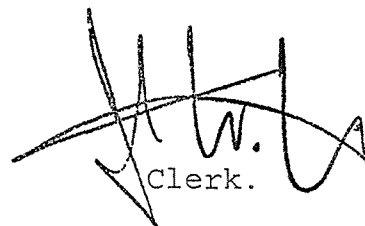
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 14, 2009 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, dated September 10, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2009.

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

-----X
Lynn Lucka Bergman,
Plaintiff-Respondent,

-against-

M-3638
Index No. 350257/02

Franklin Bergman,
Defendant-Appellant.

-----X

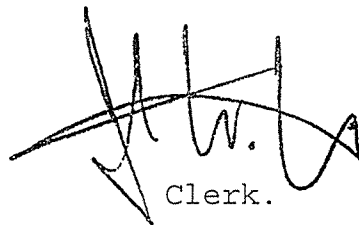
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 31, 2009 and the order of Commitment of said Court, entered on or about August 3, 2009,

And, defendant-appellant having moved for a stay of enforcement of the aforesaid orders pending hearing and determination the appeal,

Now, upon reading and filing the papers withh respect to the motion and the correspondence from Aaron Weitz, Esq., attorney for defendant-appellant, dated September 8, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 15, 2009.

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

-----X
Eurycleia Partners, LP, et al.,
Plaintiffs-Appellants,

-against-

M-3930
Index No. 600874/07

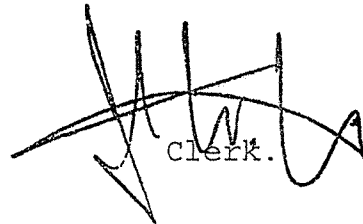
UBS Securities, LLC,
Defendant-Respondent.
-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 23, 2008 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated September 14, 2009 and due deliberation having been had thereon,

It is ordered that the motion 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 15, 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-4281
Ind. No. 5730/08

Jason Mack,
Defendant-Appellant.

-----X

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

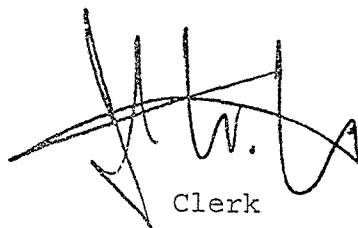
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Alice L. Fontier, Esq., Joshua L. Dratel, P.C., 2 Wall Street, 3rd Floor, New York, New York 10005, Telephone No. 212-732-0707, 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 15, 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-3929
Ind. No. 5455/07

Victor Perez,
Defendant-Appellant.

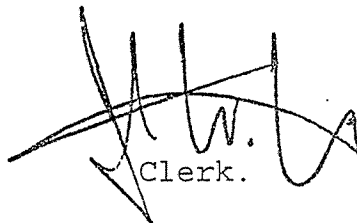
-----X

An order of this Court having been entered on February 17, 2009 (M-77), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 17, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. 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.

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 15, 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-3987
Ind. No. 3833/08

Harold Taylor, also known as Howard
Taylor,
Defendant-Appellant.

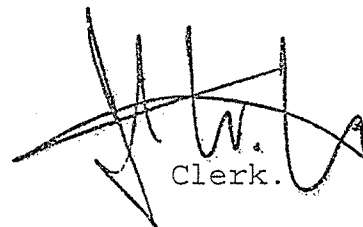
-----X

An order of this Court having been entered on January 29, 2009 (M-18), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 16, 2008, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. 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.

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 15, 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-3734
Ind. No. 3986/07

Francisco Rodriguez,
Defendant-Appellant.

-----X

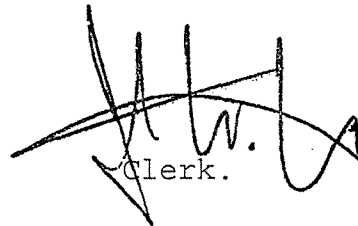
An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 23, 2008,

And counsel for defendant-appellant having moved to enlarge the record on appeal to include certain documents 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 15, 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 of

Metropolitan Steel Industries, Inc.,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3892
M-3952
Index No. 112051/08

Dormitory Authority State of
New York,
Respondent-Appellant,

-and-

Les Construction Beauce Atlas, Inc.,
Respondent-Appellant.

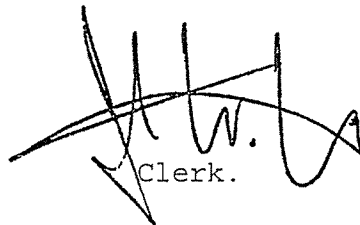
-----X
Respondent-appellant Dormitory Authority having moved (M-3892) for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 27, 2008 (mot. seq. no. 001),

And, respondent-appellant Les Construction Beauce Atlas, Inc., having cross-moved (M-3952) for the aforesaid 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 and cross motion are granted to the extent of enlarging the time in which to perfect the appeals to the January 2010 Term. Sua sponte, the appeals are consolidated and appellants are permitted to prosecute the appeals upon 10 copies of one record and separate appellant's points covering the respective appeal. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and the 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 October 15, 2009.

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

-----X
CPG Construction & Development Corp.,
Plaintiff-Respondent,

-against-

M-4305

Index No. 602003/07

415 Greenwich Fee Owner, LLC,
Defendant-Appellant.

-----X
415 Greenwich Fee Owner, LLC,
Plaintiff-Appellant,

-against-

Index No. 603870/07

Safeco Insurance Company of America,
Defendant-Respondent.

-----X

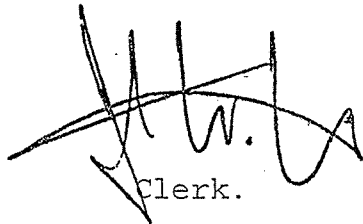
Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 28, 2009 and August 31, 2009, respectively,

And defendant/plaintiff-appellant having moved for a stay of arbitration, pending hearing and determination of 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 denied without prejudice to defendant/plaintiff-appellant seeking such relief from the arbitration panel.

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 15, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-3818
Ind. No. 5368/08

Ariana Coleman,
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 27, 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,

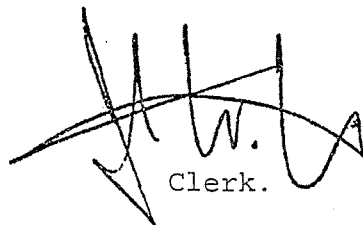
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, 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 15, 2009.

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

-----X
Centennial Insurance Company,
Plaintiff-Appellant/Appellant-
Respondent,

-against-

Tadco Construction Corp. and Frank
DeMartino,
Defendants-Respondents/Respondent-
Appellant,

M-3782
M-3783
M-3784
M-3977
Index No. 603713/04

-and-

D & D Mason Contractors Inc., et al.,
Defendants-Respondents.

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

-----X
Plaintiff Centennial Insurance Company having moved for an enlargement of time in which to perfect its direct appeals from the order of the Supreme Court, New York County, entered on or about March 16, 2007 [mot. seq. no. 009] (M-3782), the order of said Court entered on or about September 4, 2007 [mot. seq. no. 011] (M-3783), and the order of said Court entered on or about October 10, 2008 [mot. seq. no. 013] (M-3784),

And defendants Tadco Construction Corp. and Frank DeMartino having cross-moved for an enlargement of time in which to perfect their appeal from the order of reference of said Court entered on or about July 23, 2008, their cross appeal from the order of said Court entered on or about October 10, 2008, and the judgment entered thereon on or about October 14, 2008, respectively (M-3977),

(M-3782/M-3783)
(M-3784/M-3977)

-2-

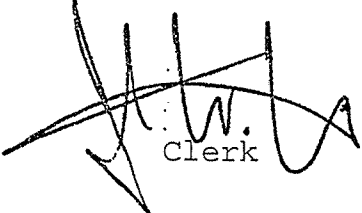
October 15, 2009

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

It is ordered that, sua sponte, the appeals and cross appeal are consolidated, as indicated, and it is further,

Ordered that the time in which to perfect the consolidated appeals and cross appeal is enlarged to the February 2010 Term. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

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 15, 2009.

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

-----X
In the Matter of

Kenique-Tatiana Dimonique Elibeth J.,

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

McMahon Services for Children, et al.,
Petitioners-Respondents,

M-3786
Docket No. 30-B-3435/05

Taneisha B., also known as Taneisha
Marie-Victorine B.,
Respondent-Appellant.

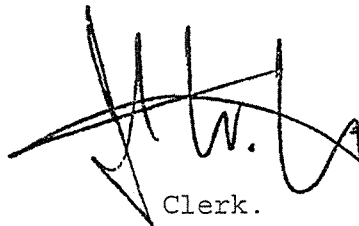
Michael Moorman, Esq., Lawyers for
Children, Inc.,
Law Guardian for the Child.

-----X
Petitioners-respondents having moved to dismiss the appeal taken from an order of the Family Court, New York County, entered on or about July 16, 2008,

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

It is ordered that the motion is granted 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 15, 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

Vito Anthony Dino G., also known as
Vito G., also known as Vito O.,
also known as Vito G., Jr.,

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

Lutheran Social Services of Metropolitan Docket No. B-14191/06
New York, M-3874
Petitioner-Respondent,

Vito G. Sr.,
Respondent-Appellant.

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

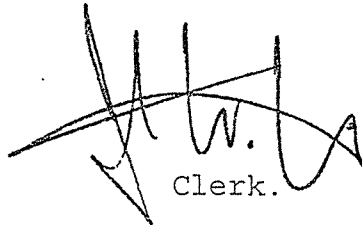
-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about September 12, 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 October 15, 2009.

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

-----X
Mary Wallace, as Executrix for the
Estate of Kenneth Wallace, and
Mary Wallace, Individually,
Plaintiff-Respondent,

-against-

M-3823
Index No. 115189/07

American Standard, et al.,
Defendants,

-and-

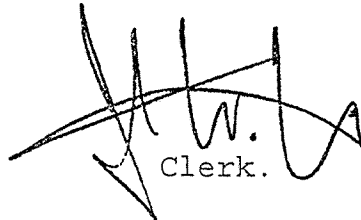
York International Corp.,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the "Amended Extract" of the Supreme Court, New York County, entered on or about July 9, 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 granted and the appeal is dismissed without prejudice to a timely appeal from a final judgment entered in the above action.

ENTER:


Clerk.

CORRECTED ORDER - October 21, 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 15, 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 a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Reeva A-C.,
Petitioner-Appellant,

-against-

M-3357
Docket Nos. V0072/06
V0072/06/08A

Angelique C. and Richard C.,
Respondents-Respondents,
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the **Supreme Court, Bronx County, Integrated Domestic Violence Part**, entered on or about April 30, 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, Dora Lassinger, Esq., 6 Howland Road, East Rockaway, N.Y. 11518, (516)877-8986, 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, **which the Clerk of the Family Court is to effect upon receipt of service 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 October 15, 2009.

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

-----X
Samaad Bishop,
Petitioner-Appellant,

-against-

Stevenson Commons Associates, L.P.,
et al.,
Respondents-Respondents.

M-4017
M-3968
Index No.252102/08

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 11, 2009,

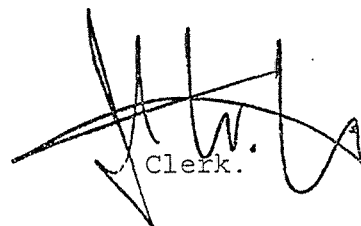
And petitioner having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for an order in the nature of a preliminary appellate injunction with respect to certain video tape evidence, pending hearing and determination of the aforesaid appeal, and for related relief (M-4017),

And respondents having cross-moved to dismiss the aforesaid appeal (M-3968),

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondents and files 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks a preliminary appellate injunction is denied. The cross 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 15, 2009.

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

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

-against-

M-3423
Ind. No. 1805/07

Melville Powell,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 22, 2008,

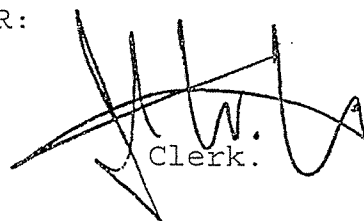
And an order of this Court having been entered on January 15, 2009 (M-5904), granting defendant leave to prosecute, as a poor person, the appeal from the aforesaid judgment of **resentence**, rendered on or about October 22, 2008, and assigning Richard M. Greenberg, Esq., for purposes of prosecuting said appeal,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of said Court, rendered on or about June 25, 2008, for the assignment of counsel 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 deeming the moving papers a timely filed notice of appeal taken from the judgment rendered on or about June 25, 2008, and the poor person relief previously granted defendant by the order of this Court, entered on January 15, 2009 (M-5904) is extended to cover the appeal from the judgment rendered on or about June 25, 2008.

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 15, 2009.

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

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

-against-

M-4009
Ind. No. 2501/08

Sean Green,
Defendant-Appellant.

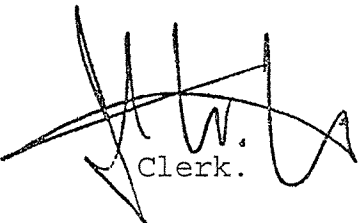
-----X

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, and an explanation as to why similar funds are not available to prosecute this 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 15, 2009.

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

-----X
Angela Leonardi,

Plaintiff-Appellant,

-against-

M-4230
Index No. 23425/05

Arlene Cruz, et al.,

Defendants-Respondents.
-----X

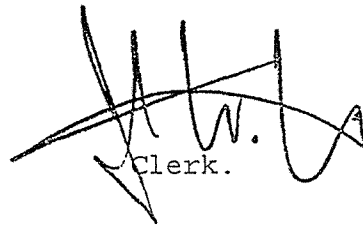
Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about October 1, 2008 and April 20, 2009, respectively, and said appeals having been consolidated by the order of this Court entered on July 21, 2009 (M-2638),

And defendants-respondents having moved to dismiss the aforesaid appeals or for alternative 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 striking plaintiff's consolidated appeals from the December 2009 Term calendar of this Court, without prejudice to plaintiff refileing said appeals for the January 2010 Term upon a record which deletes all documents de hors the record with the exception of the certain note of issue which was specifically permitted to be included by the aforesaid order of this Court entered on July 21, 2009 (M-2638) and which is in correct sequential order, and upon a proper brief. The Clerk is directed to accept the filing without further fee.

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 15, 2009.

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

-----X
John R. Liegey,
Plaintiff-Respondent,

-against-

M-4258
Index No. 111458/04

Diane Gerardi,
Defendant-Appellant,

-and-

Carolyn Gerardi and Anthony Gerardi,
Defendants.

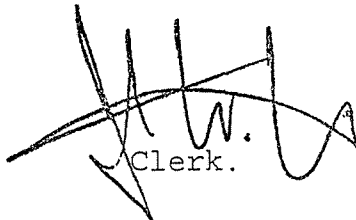
-----X

Defendant-appellant having moved for a stay of proceedings from the judgment of the Supreme Court, New York County, entered on or about April 8, 2009, pending hearing and determination of the appeal taken therefrom,

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 interim relief granted by an order of a Justice of this Court, dated September 17, 2009, is 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 15, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Hudson Towers Housing Co., Inc., etc.,

Plaintiff-Appellant,

-against-

M-3085
Index No. 601835/04.

VIP Yacht Cruises, Inc.,

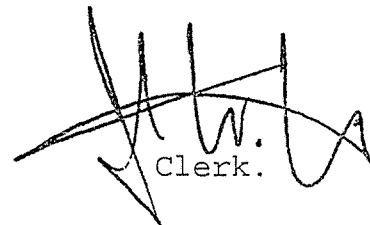
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on June 2, 2009 (Appeal No. 687),

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 15, 2009.

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

-----x
In the Matter of the Application of
270 Realty Associates, LLC,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

New York State Division of Housing
and Community Renewal,
Respondent-Respondent,

M-4054
M-4055
Index No. 100374/08

-and-

William Harding, John Sims, William
Hodges and Elgenia Mitchell,
Intervenors-Appellants.

-----x

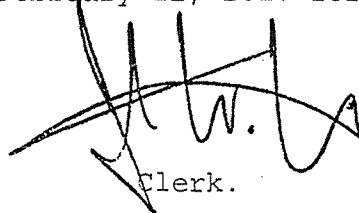
Appeals having been taken to this Court by intervenors-appellants from orders of the Supreme Court, New York County, entered on or about November 10, 2008 (mot. seq. no. 001) and March 6, 2009 (mot. seq. no. 003), respectively,

And intervenors-appellants having moved for consolidation of the aforesaid appeals (M-4054) and an enlargement of time in which to perfect the said appeals (M-4055),

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 consolidation (M-4054) is granted to the extent of permitting appellants to prosecute the appeals upon 10 copies of one record and one set of appellant points covering the appeals. The motion for an extension of time (M-4055) is granted to the extent of enlarging the time in which to perfect the consolidated appeals 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 October 15, 2009.

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

-----X
Jeffrey Squitieri,
Plaintiff-Respondent, M-4020
-against- M-4021
M-4088
Index No. 350138/06
Beth Squitieri,
Defendant-Appellant,
Susan Y. Kunstler, Esq.,
Non Party-Respondent.

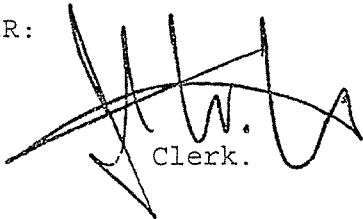
-----X
Defendant-appellant having moved by duplicative motions for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about June 24, 2009, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (M-4020/M-4088),

And, defendant-appellant having separately moved, pursuant to CPLR 5704(a), for an order in the nature of contempt against plaintiff Jeffrey Squitieri, said relief having been denied by a Justice of the Supreme Court on or about August 21, 2009 (M-4021),

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 which seeks relief pursuant to CPLR 5704(a) is denied (M-4021). It is further ordered that the motions for leave to prosecute the appeal as a poor person and related relief (M-4020 & M-4088) are 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 serve one copy of such brief upon the attorney for respondent and file ten copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 15, 2009.

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

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

-against-

M-3877
Index No. 113532/06

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


-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 23, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is 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 15, 2009.

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

-----X
In the Matter of

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

M-4019

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

Docket Nos. NN26073-75/07

Administration for Children's Services,
Petitioner-Respondent,

Jeffrey C.,
Respondent-Appellant,

Katrina T.,
Respondent-Appellant.

Melinda Oliver, Esq.,
Law Guardian for the Children.

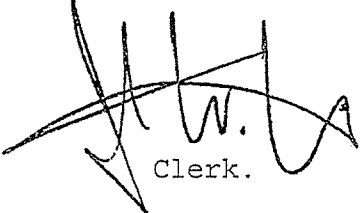
-----X

Respondent-appellant, Jeffrey C., in connection with the appeals taken from orders of the Family Court, Bronx County, entered on or about November 19, 2008 and May 19, 2009, respectively, and previously consolidated by the order of this Court entered on October 6, 2009(M-3493), having moved for an enlargement of time in which to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the June 2010 Term, for which Term respondent-appellant mother is directed to perfect her appeal from the aforesaid orders of the Family Court. (See M-2795 entered September 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 September 15, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
John T. Buckley, Justices.

-----X
In the Matter of

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

M-2795

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

Docket Nos. NN26073-75/07

Administration for Children's Services,
Petitioner-Respondent,

Jeffrey C.,
Respondent,

Katrina T.,
Respondent-Appellant.

Melinda Oliver, Esq.,
Law Guardian for the Children.
-----X

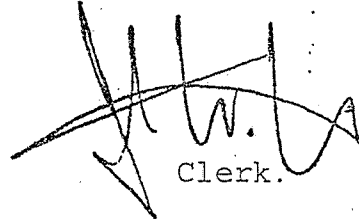
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the orders of the Family Court, Bronx County, entered on or about November 19, 2008 and May 19, 2009, respectively, and for assignment of counsel, a free copy of the transcript, and related relief,

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, George Reed, Esq., 222 Mamaroneck Avenue, White Plains, NY 10605, Telephone No. (212)645-6447, 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 October 15, 2009.

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

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

-against-

M-4037
Ind. No. 6249/07

Richard Brown,
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 May 6, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

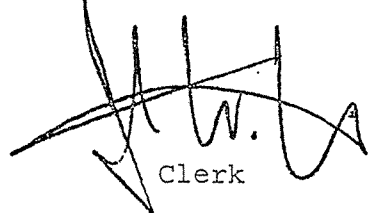
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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 15, 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-

M-4138
Ind. No. 5951/08

Jeffrey Johnston, also known as
Jeffrey M. Johnston,
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 23, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

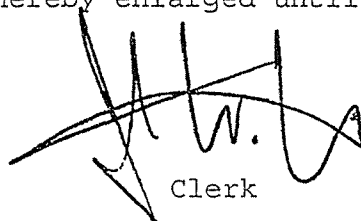
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 15, 2009.

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

-----X

Juan D. Reyes, M.D.,

Plaintiff-Appellant,

-against-

M-4129

Index No. 24634/03

Rafael Sequeira, M.D., et al.,

Defendants-Respondents.

-----X

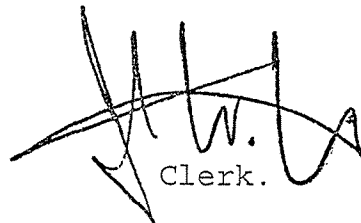
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 8, 2009,

And plaintiff-appellant having moved for a stay of a certain hearing with respect to attorneys fees, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including correspondence from plaintiff-appellant's attorney, dated September 15, 2009, and due deliberation having been had thereon, it is

Ordered that the motion 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 15, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

Narayanan Appukkutta,
Defendant-Appellant.

M-2053
M-3534
Ind No. 3386/02

-----X

A decision and order of this Court having been entered on April 28, 2009 (Appeal No. 407), affirming the judgment of the Supreme Court, New York County, rendered on or about October 19, 2007,

And defendant-appellant having moved by separate motions for reargument and/or reconsideration of the aforesaid order of this Court (M-2053), and for leave to prosecute, as a poor person, the appeal from the aforesaid judgment (M-3534),

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 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 15, 2009.

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

-----X
Leonard Boyce, Anthony Haydenn,
Trevor Morris and Akim Rodriguez,
Plaintiffs-Respondents,

-against-

M-4242
Index No. 21508/99

Gumley-Haft, Inc. and Bernard
Spitzer,
Defendants-Appellants.

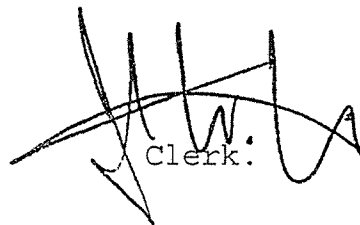
-----X
(And a third-party action)
-----X

Defendant-appellant Bernard Spitzer having moved for an enlargement of time in which to perfect his appeal from an order of the Supreme Court, Bronx County, entered on or about October 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 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 October 15, 2009.

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

-----X

Lori Caban,

Plaintiff-Respondent,

-against-

M-3926

Index No. 15369/06

Landauer Metropolitan, Inc.
and Louis P. Rocco, Individually,

Defendants-Appellants.

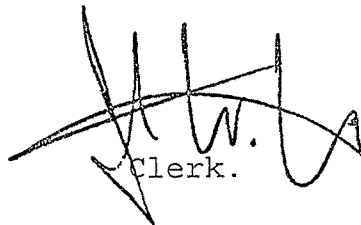
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 17, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 October 15, 2009.

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

-----X
Carla D'Andre,

Plaintiff-Respondent,

-against-

Michael Shenkman,

Defendant-Appellant.
-----X

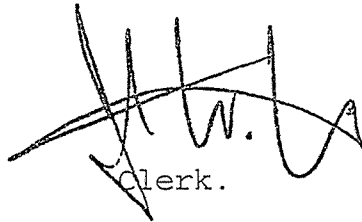
M-4112
Index No. 312520/93

Defendant-appellant having moved for a stay of the order of Contempt and Arrest of the Supreme Court, New York County, entered on or about September 1, 2009, pending hearing and determination of the appeal taken therefrom,

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 15, 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-4125
Ind. No. 4125/02

Robert Spragley,
Defendant-Appellant.

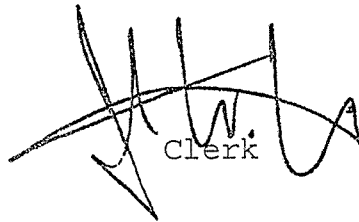
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 10, 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 granted to the extent of deeming the moving papers a timely filed notice of 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 15, 2009.

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

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

Kevin W.,
Petitioner-Appellant,

-against-

M-4221
Docket No. V9884/08

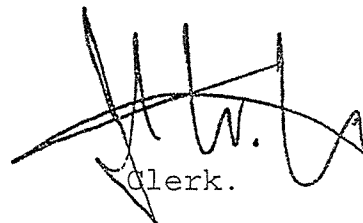
Administration for Children's
Services, et al.,
Respondents-Respondents.

-----X
An order of this Court having been entered on March 3, 2009 (M-5519 & M-5825), assigning Randall S. Carmel, Esq., as counsel to prosecute the appeal taken from the order of the Family Court, Bronx County, entered on or about October 2, 2008; and a motion having been made to relieve such counsel, and for other relief,

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

It is ordered that the motion is granted only to the extent of adjourning the appeal to the February 2010 Term, and granting petitioner leave to file a pro se supplemental brief on or before December 7, 2009 for said February 2010 Term, and the motion is otherwise denied. Petitioner is directed to serve 1 copy of said pro se supplemental brief upon counsel for respondents and file 8 copies with this Court on or before December 7, 2009.

ENTER:


Clerk.

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

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

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

M-3117
Ind. No. 15385/90

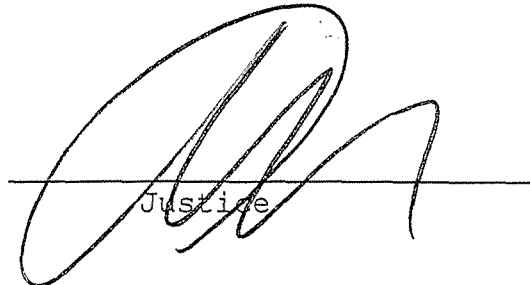
-against-

CERTIFICATE
DENYING LEAVE

Wei Chen,

Defendant.

-----X
I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Arlene D. Goldberg, J.), entered on or about June 11, 2009, is hereby denied.


Justice

Dated: New York, New York

OCT 09 2009

ENTERED

OCT 15 2009

PM ORDERS

ENTERED

OCTOBER 13, 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 13, 2009.

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

-----X
Jasmin Howard,
Plaintiff-Respondent,

-against-

Jose R. Cornejo and Ahmed Raja Corp.,
Defendants-Appellants,

M-4628X
Index No. 13739/06

-and-

Ronald A. Spratt,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 13, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated October 6, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.