

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 27, 2009.

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

-----X  
Laddcap Value Partners, LP,  
Plaintiff-Appellant-Respondent,

-against-

M-4712  
Index No. 600973/07

Lowenstein Sandler PC,  
Defendant-Respondent-Appellant.  
-----X  
(And a Third-Party Action)  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 12, 2009 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto and correspondence from Sara Welch, Esq., dated October 13, 2009, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the September 2009 Term, are withdrawn in accordance with the aforesaid stipulation.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 27, 2009.

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

-----X  
George Minadis and Helen Kanteres,  
Plaintiffs-Respondents,

-against-

M-4530  
Index No. 15967/99

The City of New York,  
Defendant-Appellant,

-and-

WM of New York, Inc., formerly known  
as Waste Management of New York, Inc.,  
et al.,  
Defendants-Respondents.

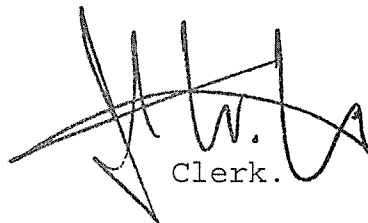
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about April 21, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated September 25, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2009 Term, is withdrawn in accordance with the aforesaid stipulation.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 27, 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-4487  
Ind. No. 961/08

Kent Davis,  
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 8, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

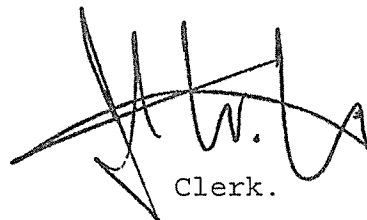
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of 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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 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-4488  
Ind. No. 952/08

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

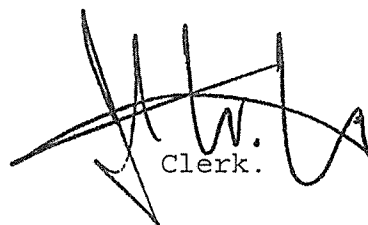
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of 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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 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-4489  
Ind. No. 5243/00

Jose Rivera,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 30, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

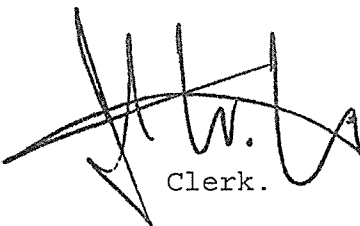
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, 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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

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

-against-

M-4490  
Ind. No. 356/00

George Nieves, also known as  
George Gallardo, also known as  
Jorge L. Nieves,  
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, Bronx County, rendered on or about August 26, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

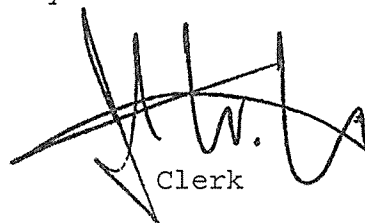
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

E N T E R:

  
Clerk

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 27, 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-4491  
Ind. Nos. 2462/09  
2574/08

Carlos Rangel,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 10, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

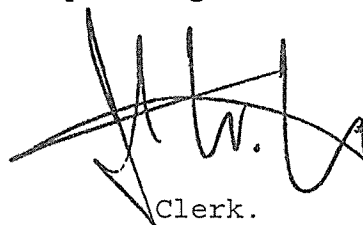
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Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's 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, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

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

-against-

M-4492  
Ind. No. 4478/08

Modibo Boubia, also known as  
Modibo Doumbia,  
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 July 16, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

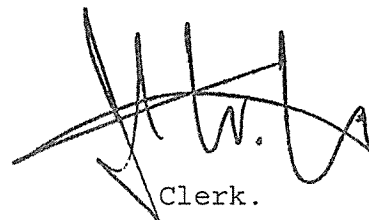
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Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's 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.

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 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-4493  
Ind. No. 5222/06

Wayne Hunter,  
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 April 24, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

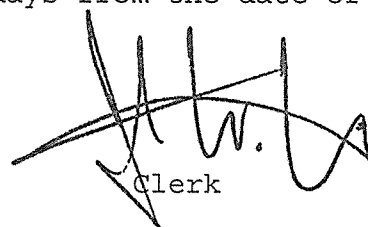
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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

E N T E R:

  
Clerk

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 27, 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-4494  
Ind. No. 383/09

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

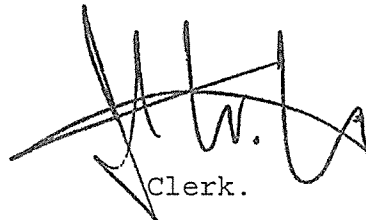
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Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's 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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

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

-against-

M-4495  
Ind. No. 2058/09

Darryl Harris,  
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 August 19, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

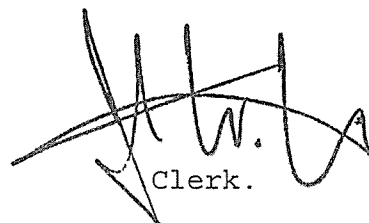
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Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's 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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 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-4498  
Ind. No. 1921/99

Joesun King,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about January 12, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

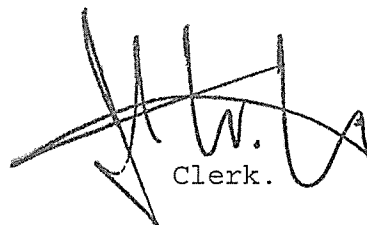
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The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of resentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts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

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

E N T E R:

  
Clerk.

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 27, 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-4500  
Ind. Nos. 1645/09  
3478/09

Angel Saltares,  
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 August 18, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

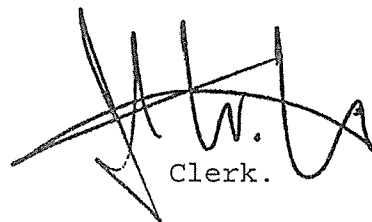
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Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged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

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 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-4502  
Ind. No. 1832/06

Gerald Gordon,  
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 August 27, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

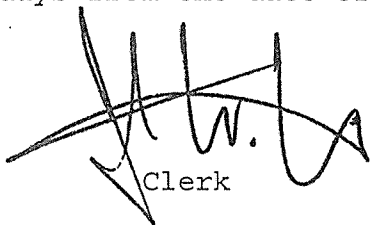
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Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's 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.

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

E N T E R:



Clerk

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 27, 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-4503  
Ind. No. 244/09

Kashif Hamilton,  
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 June 30, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

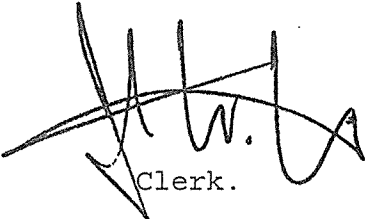
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, 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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

-----x  
ITG Inc.,  
Petitioner,

-against-

M-4171  
Index No. 602777/09

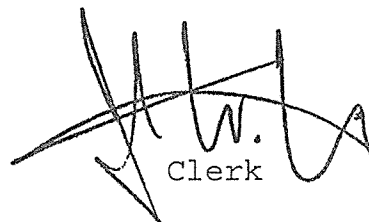
Malvina Guretsky, Ryan Farley,  
Stanislav Leonov and Deutsche Bank  
Securities, Inc.,  
Respondents.  
-----x

Petitioner having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, New York County, on or about September 9, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 12, 2009, and due deliberation having been had thereon,

It is ordered that the motion is 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 27, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David B. Saxe  
David Friedman, Justices.

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

Respondent,

-against-

M-2891  
Ind. No. 2690/04

Parmanand Budhoo,

Defendant-Appellant.  
-----X

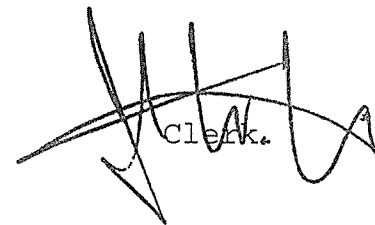
A decision and order of this Court having been entered on December 20, 2007 (Appeal No. 2412), unanimously affirming the judgment of the Supreme Court, Bronx County (George Villegas, J.), rendered on May 3, 2005,

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

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

It is ordered that said application is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

-----X  
IDT Corporation,

Plaintiff-Appellant,

-against-

M-3455  
Index No. 603710/04

Morgan Stanley Dean Witter & Co.,  
et al.,

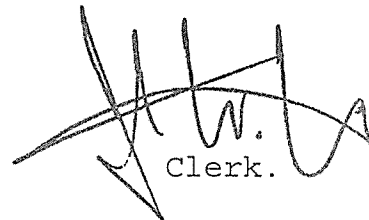
Defendants-Respondents.  
-----X

Defendants-respondents 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 25, 2009 (Appeal Nos. 664-664A),

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 27, 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 a Paternity Proceeding  
Under Article 5 of the Family Court Act.

- - - - -  
Jason E.,  
Petitioner-Respondent,

-against-

M-4528  
Docket No. P24343/06

Tania G.,  
Respondent.

- - - - -  
Gregory W.,  
Non-Party Appellant.

- - - - -  
Janet Neustaetter, Esq., The Children's  
Law Center,  
Law Guardian for the Child.

-----X

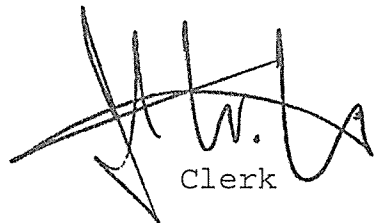
An order of this Court having been entered on October 20, 2009 (M-3896), inter alia, granting petitioner leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about December 12, 2008, and assigning counsel therefor,

And law guardian for the child, Janet Neustaetter, Esq., of The Children's Law Center, having moved for adjournment 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 to the extent of adjourning 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 27, 2009.

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

-----X  
Melinda Diaz,

Plaintiff-Appellant,

-against-

M-3839  
Index No. 570001/09

William Edwards and Bruce Diggs,

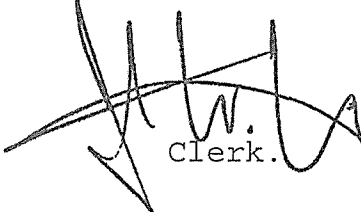
Defendants-Respondents.  
-----X

Plaintiff-appellant 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 April 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 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 27, 2009.

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

-----X  
Arwin 74<sup>th</sup> St., LLC,

Petitioner-Landlord-Respondent,

-against-

M-3979  
Index No. 570620/08

Maninder Bhugra,

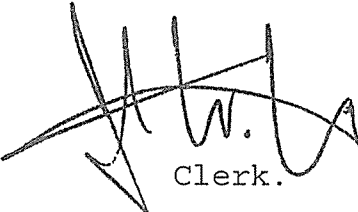
Respondent-Tenant-Appellant.  
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about April 30, 2009,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

-----X  
Albert Ackerman, M.D. and Harvey W.  
Topilow, M.D.,

Plaintiffs-Respondents,

M-4288  
Index No. 10461/94

-against-

Elliot Wales,

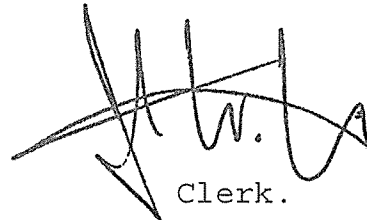
Defendant-Appellant.  
-----X

Defendant-appellant 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 April 9, 2009 and the later order of said Court entered on or about June 15, 2009, 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.

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 27, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Julius H. Schoeps,

Plaintiff-Appellant,

-against-

The Andrew Lloyd Webber Art Foundation,

Defendant-Respondent.  
-----X

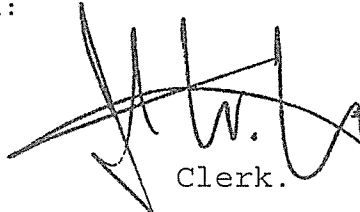
M-4154  
Index No. 116768/06

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 11, 2009 (Appeal No. 327),

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 27, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

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

-against-

M-3671  
Ind. No. 1914/77

Harry Elmore,  
Defendant-Appellant.

-----X

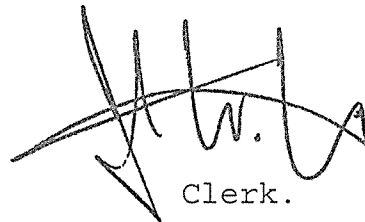
A decision and order of this Court having been entered on February 7, 1980 (Appeal No. 7353), unanimously affirming a judgment of the Supreme Court, New York County (Scott, J.), rendered on February 15, 1978,

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

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

It is ordered that said application is denied.

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John T. Buckley  
James M. Catterson, Justices.

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

-against-

M-3626  
Ind. No. 1990/06

Carlos Vargas,  
Defendant-Appellant.

-----X

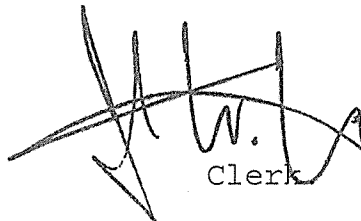
A decision and order of this Court having been entered on June 12, 2008 (Appeal No. 3913), unanimously affirming a judgment of the Supreme Court, New York County (Edward McLaughlin, J.), rendered on December 13, 2006,

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

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

It is ordered that said application is denied.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John T. Buckley  
Sheila Abdus-Salaam, Justices.

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

-against-

M-1086  
Ind. No. 133/98

Raheme Byrd,  
Defendant-Appellant.

-----X

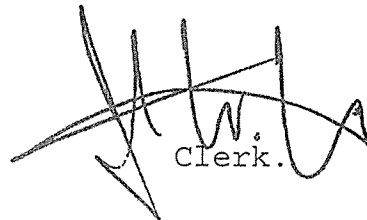
A decision and order of this Court having been entered on March 6, 2003 (Appeal No. 399-400), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on June 13, 2000,

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

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

It is ordered that said application is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

-----X  
Christine Yuen,

Plaintiff-Respondent,

-against-

M-4426

Index No. 114841/06

Edwin Yuen K. Wong and Eileen Oi Chu,

Defendants-Appellants.  
-----X

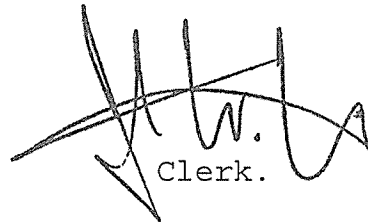
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 17, 2008, and said appeal having been perfected,

And plaintiff-respondent having moved for an order striking defendants' reply 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.

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 27, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
John T. Buckley  
James M. Catterson  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Steven Harris and Lorraine Harris,  
Petitioners,

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

M-4207  
Index No. 400263/08

-against-

The New York City Housing Authority,  
Respondent.

-----X

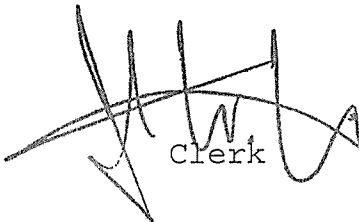
An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 30, 2008,

And petitioners having moved for an enlargement of time in which to perfect the proceeding,

Now, upon reading and filing the papers with respect to said 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 proceeding to the February 2010 Term, with no further enlargements to be granted.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
John T. Buckley  
James M. Catterson  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----x  
In the Matter of

Ernestine L.,  
Petitioner-Appellant,

-against-

M-4213  
M-4360  
Docket No. V1950/07

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

-----  
Dora M. Lassinger, Esq.,  
Law Guardian for the Child.

-----x

An order of this Court having been entered on February 3, 2009 (M-6122), inter alia, granting petitioner-appellant leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about June 24, 2008, and assigning counsel therefor,

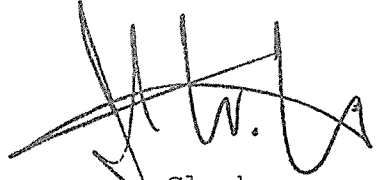
And law guardian for the child, R. Ellen Sigal, Esq., having moved, by duplicate motions, for an order to be relieved as law guardian and to substitute other counsel to respond to the appeal,

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

It is ordered that the motions are granted to the extent of relieving movant as law guardian and substituting, pursuant to Section 18b of the County Law and § 1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, New York 11518, Telephone No. 516-887-8987, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned to the February 2010 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
John T. Buckley  
James M. Catterson  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----x  
Janulyn McKanic,

Plaintiff-Appellant,

-against-

M-4234  
Index No. 602360/05

Amigos Del Museo Del Barrio,

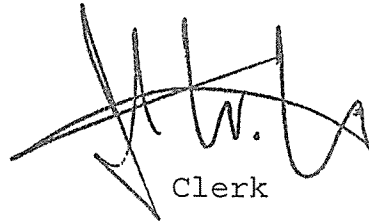
Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the orders of the Supreme Court, New York County, entered on or about November 24, 2008 (mot. seq. no. 007) and December 4, 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 granted to the extent of enlarging the time in which to perfect the appeal to on or before December 7, 2009 for the February 2010 Term, 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 27, 2009.

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

-----X  
Maria Hernandez,

Plaintiff-Appellant,

M-3084

M-3587

-against-

Index No. 26874/04

Central Parking System of New York,  
Inc., et al.,

Defendants-Respondents.  
-----X

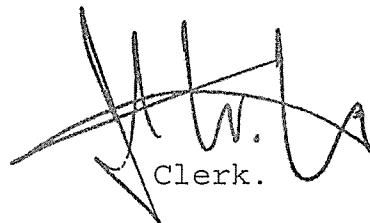
A decision and order of this Court having been entered on June 2, 2009 [Appeal No. 683], unanimously modifying the order of the Supreme Court, Bronx County, entered on or about March 19, 2008,

And defendants-respondents having moved by separate motions for reargument of the aforesaid decision and order of this Court entered on June 2, 2009 [Appeal No. 683] (M-3084), and for leave to appeal to the Court of Appeals from said decision and order (M-3587),

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 27, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Leland G. DeGrasse  
Sheila Abdus-Salaam Justices.

-----X  
Digital Broadcast Corporation,  
Plaintiff-Appellant,

-against-

M-3751  
Index No. 117041/05

Ladenburg, Thalmann & Co., Inc., et al.,  
Defendants-Respondents,

Silverman, Collura & Chernis, P.C.,  
Defendants.

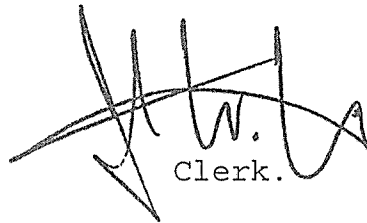
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 30, 2009 (Appeal No. 970),

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 27, 2009.

Present: Hon. Angela M. Mazzaelli, Justice Presiding,  
David B. Saxe  
John T. Buckley  
James M. Catterson, Justices.

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

The City of New York, et al.,  
Petitioners-Respondents,

-against-

M-4219  
Index No. 400007/07

The Patrolmen's Benevolent Association of the City of New York, Inc., et al.,

Respondents-Appellants,

The New York City Office of Collective Bargaining; and Marlene A. Gold, as Chairman of the New York City Board of Collective Bargaining,  
Respondents-Appellants.

-----  
Jon Goldin,  
Non-Party Movant.

-----X

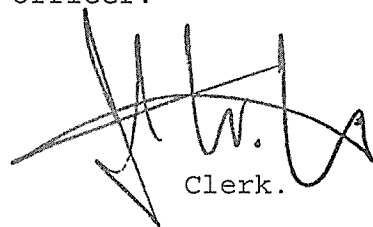
Appeals having been taken by the municipal respondents and the "union" respondents from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 27, 2007,

And non-party movant, Jon Goldin, having moved for an order holding petitioners-respondents City of New York, New York City Police Department and Police Commissioner Raymond W. Kelly in contempt of this Court's order entered on March 13, 2008 (M-1122),

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 movant raising the issue in a direct Article 78 challenge of the termination of his employment as a New York City Police Officer.

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 27, 2009.

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

-----X  
In the Matter of a Support Proceeding  
Under Article 4 of the Family Court  
Act.

-----  
Magdalena P.,  
Petitioner-Respondent,

M-4085  
Docket No. F1855-98/07H

-against-

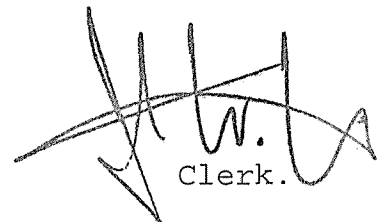
Rafael Antonio P.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 10, 2007, and for assignment of counsel, a free copy of the transcript, for an enlargement of time in which to perfect the appeal, 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, to the extent it seeks an enlargement of time in which to perfect the appeal, is denied and the appeal is dismissed. So much of the motion which seeks poor person relief, is denied as academic.

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 27, 2009.

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

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

Kay K. Bourabah,  
Petitioner-Appellant,

M-4156  
Index No. 405818/07

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

-against-

New York State Division of Housing  
and Community Renewal and Southbridge  
Towers, Inc.,  
Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 6, 2008,

And petitioner-appellant having moved for a stay of eviction proceedings pending hearing and determination of the aforesaid appeal, for an enlargement of time in which to perfect the appeal, and for leave to prosecute the appeal as a poor person,

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 in all respects denied and sua sponte 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 27, 2009.

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

-----X  
Grady, Inc.,

Petitioner-Respondent,

-against-

M-3478  
Index No. 570498/08

Theresa Johnson,

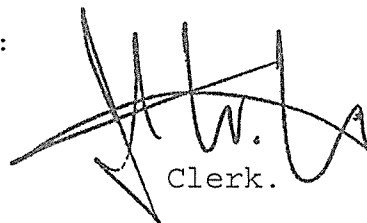
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 6, 2009, and for a stay of eviction, pending hearing and determination of the appeal,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated July 27, 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 27, 2009.

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

-----X  
Akiva Tessler,

Petitioner-Respondent,

-against-

M-4335  
Index No. 570447/08

Rina Tessler,

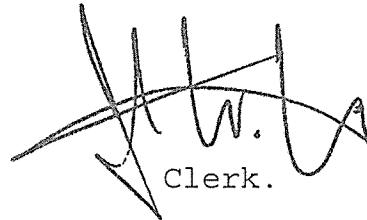
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 14, 2009, and for a stay of said order, pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

-----X  
In the Matter of a Family Offense  
Proceeding under Article 8 of the  
Family Court Act,

Namissa D.,  
Petitioner-Respondent,

M-4172  
Docket No. O-08204/08

-against-

Al Hassana K.,  
Respondent-Appellant.

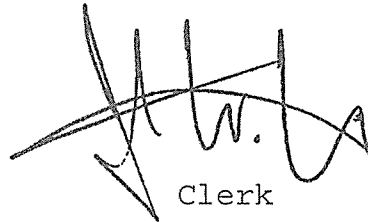
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 20, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of an affidavit addressing whether petitioner was assigned counsel in Family Court, as well as a copy of respondent's Federal tax returns for the years 2007 and 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 27, 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 the Application of  
Michael Chenkin,  
Petitioner-Appellant,

-against-

M-4227  
Index No. 107647/07

The New York City Council,  
Respondent-Respondent.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 31, 2008,

And petitioner-appellant having moved for an order compelling respondent to negotiate in good faith a statement of fact in lieu of a full record on appeal, and for other relief,

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

It is ordered that the motion is denied and, sua sponte, 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 27, 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 to  
Probate the Will of

Abbas Mehdi Khazaneh,

Deceased.

-----  
Amir Ali Mehdi Khazaneh,  
Petitioner-Respondent,

Kaveh Mehdi Khazaneh,  
Objectant-Appellant.  
-----x

M-3986

M-4057

Surrogate's Court  
File No. 3838/01

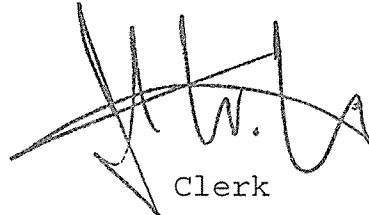
Petitioner-respondent having moved for dismissal of the appeal from the decree of the Surrogate's Court, New York County, entered on or about January 24, 2007,

And objectant-appellant 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 cross motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is dismissed. 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 27, 2009.

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

-----x  
Sofia Frankel,

Petitioner-Appellant,

-against-

Jeffrey Sardis, et al.,

Respondents-Respondents.  
-----x

M-4018  
Index No. 115836/08

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 22, 2009 (mot. seq. no. 001), and the order and judgment (one paper) of said Court entered on or about July 22, 2009, respectively,

And petitioner-appellant having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the arbitration award 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 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 27, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
James M. McGuire, Justices.

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

Respondent,

-against-

M-2736  
Ind. No. 2974/06

George Borges,

Defendant-Appellant.  
-----X

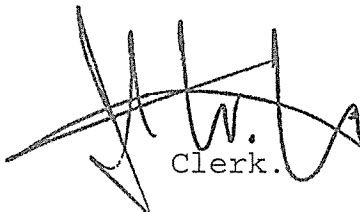
A decision and order of this Court having been entered on June 5, 2008 (Appeal No. 3853), unanimously affirming the judgment of the Supreme Court, New York County (Bruce Allen, J.), rendered on August 9, 2007,

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

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

It is ordered that said application is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

-----X  
Jorge Angamarca, et al.,  
Plaintiffs-Respondents,

-against-

M-4298

M-4397

New York City Partnership Housing  
Development Fund, Inc., et al.,  
Defendants-Respondents,

Index No. 115471/04

Jefferson Townhouses, LLC,  
Defendant-Appellant.

-----X  
(And third-party actions)

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 8, 2009,

And appellant Jefferson Townhouses, LLC, having moved for a stay of execution of the aforesaid judgment, pending hearing and determination of the appeal (M-4298),

And plaintiff, Jorge Angamarca, having cross-moved for an order requiring appellant to post a further undertaking, and for related relief (M-4397),

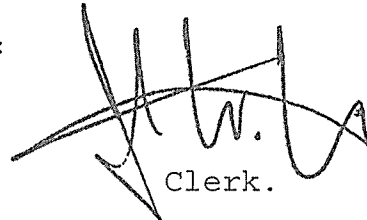
Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon, it is

Ordered that the motion to stay execution of judgment is granted on condition that within 21 days of the date hereof appellant post an additional undertaking in the amount of 6 million dollars, that appellant perfects the appeal on or before

October 27, 2009

December 7, 2009 for the February 2010 Term, and upon the further condition that appellant not dissipate or transfer any assets other than in the regular course of business. Upon appellant's failure to comply with the required undertaking or to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days of the date of entry hereof. Should appellant fail to comply with the restraint on asset transfer, respondents may move on notice to vacate the stay. The cross motion is granted to the extent indicated.

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 27, 2009.

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

-----X  
Brian F. Cox, Individually and  
as the Executor and Voluntary  
Administrator of the Estate of  
Marjorie Phyllis Cox,  
Plaintiff-Appellant,

-against-

M-4072  
Index No. 114062/08

ST Owner, LP,  
Defendant-Respondent.

-----X  
Plaintiff-appellant having moved in the nature of a preliminary appellate injunction staying eviction proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 3, 2009,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated September 3, 2009, is hereby 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 27, 2009.

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

-----X  
Phoenix Life Insurance Company,

Plaintiff-Appellant,

-against-

M-4479

Index No. 600985/08

The Irwin Levinson Insurance Trust II,  
et al.,

Defendants-Respondents,

Life Products Clearing, LLC, et al.,  
Non-Party Respondents.

-----X

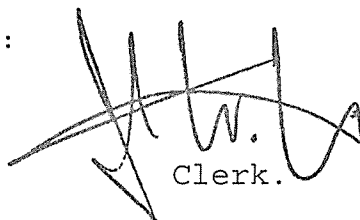
Appeals having been taken from orders of the Supreme Court, New York County, entered on or about June 1, 2009 (mot. seq. no. 002) and on or about August 24, 2009 (mot. seq. no. 005), respectively,

And plaintiff-appellant having moved for an order staying discovery, 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 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 27, 2009.

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

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

Respondent,

SEALED

-against-

M-4333

Ind. No. 7972/00

Carlos Ferreira,

Defendant-Appellant.

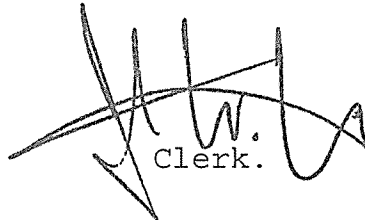
-----X

Defendant having moved for an enlargement of time in which to perfect the consolidated appeals taken from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2005 and from the order of said Court entered on or about April 9, 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 consolidated appeals to the February 2010 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

-----x  
Berta Poberesky,

Plaintiff-Appellant-Respondent,

-against-

M-4520  
Index No. 350506/05

Lev Poberesky,

Defendant-Respondent-Appellant.  
-----x

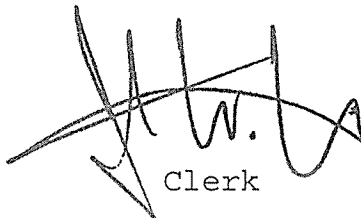
An appeal and cross appeal having been taken to this Court from the judgment of divorce of the Supreme Court, New York County, entered on or about May 23, 2008,

And plaintiff-appellant-respondent having moved for an enlargement of time in which to perfect the direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time of the respective parties in which to perfect the appeal and cross appeal to on or before December 7, 2009 for the February 2010 Term.

ENTER:

  
Clerk



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2009.

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

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

Mark Ozdoba,  
Petitioner-Appellant,

M-4562  
Index No. 110566/08

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

-against-

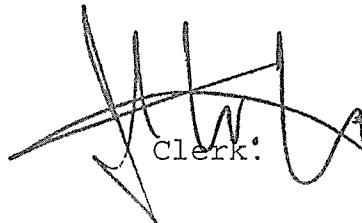
Chelsea Landmark LIC, LLC, et al.,  
Respondents-Respondents.

-----X  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 30, 2009 (mot. seq. no. 001), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the enlargement of the record on appeal, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of petitioner's state and federal income tax returns for the years 2007 and 2008. So much of the motion which seeks an enlargement of the record on appeal 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 27, 2009.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-3126  
Ind. No. 798/05

Barret Chandler,  
Defendant-Appellant.

-----X

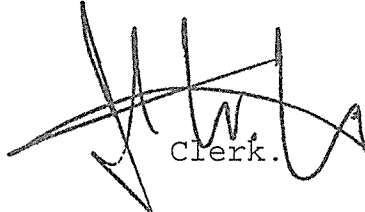
A decision and order of this Court having been entered on November 13, 2008 (Appeal No. 4527), unanimously affirming a judgment of the Supreme Court, New York County (Arlene Goldberg, J.), rendered on July 12, 2006,

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

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

It is ordered that said application is denied.

ENTER:

  
Clerk.

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

BEFORE: Hon. John T. Buckley,  
Associate Justice

-----X  
Ira J. Schacter,  
Plaintiff-Respondent,

-against-

M-3962  
Index No. 311503/07

Janice I. Schacter,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 15, 2009,

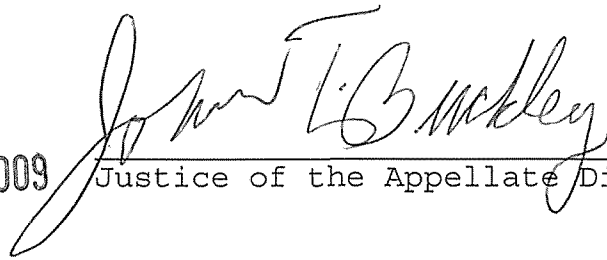
And an order of this Justice having been made on June 18, 2009,

And defendant-appellant having moved for clarification and/or modification of the aforesaid order of this Justice,

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-appellant proceeding in Supreme Court.

Dated: New York, New York  
October 16, 2009

  
Justice of the Appellate Division

**ENTERED** OCT 27 2009

**PM ORDERS**

**ENTERED**

**OCTOBER 22, 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 22, 2009.

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

-----X  
Papa Diop and Amy Diop,  
Plaintiffs-Respondents,

-against-

M-4212  
Index No. 117945/06

Madison Immobilier LLC,  
Defendant-Appellant,

Yohalem Gillman & Company, et al.,  
Defendants.

-----X  
Madison Immobilier LLC,  
Third-Party Plaintiff-Respondent,

Third-Party  
Index No. 590128/07

-against-

RC Madison Corp.,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 30, 2009 (mot. seq. no. 002),

And third-party defendant-appellant 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 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 22, 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,  
Appellant,

-against-

M-3911A  
Ind. No. 5076/07

Ronald Sudol,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, New York County, entered on or about April 29, 2009, 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 (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal. The order of this Court entered on September 29, 2009 (M-3911), is hereby recalled and vacated.

ENTER:

  
Clerk.