

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 29, 2009.

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

-----X
John M. Quinlan,
Plaintiff-Respondent,

-against-

M-4771X
Index No. 17009/06

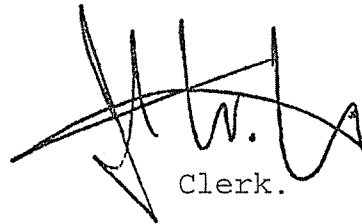
Jacko Taxi Corp., et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 17, 2008,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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-

Daniel Rodriguez,
Defendant-Appellant.

M-4789
Ind. Nos. 190/07
1206/07

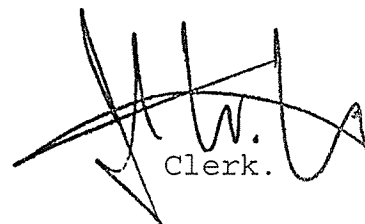
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 17, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated October 13, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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-4792
Ind. No. 7298/00

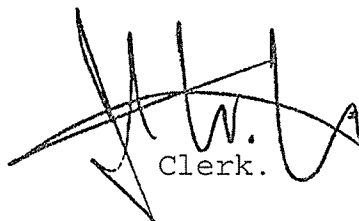
Tyrone Craig,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 9, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated October 19, 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 29, 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-4799
Ind. No. 6240/07

Isaac Frost,
Defendant-Appellant.

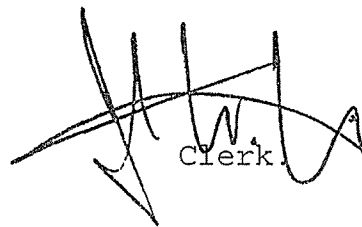
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 6, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated October 8, 2009, and due deliberation having been had thereon,

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

-----X
Quida Lodge Jones,
Plaintiff-Respondent,

-against-

Alfredo Gonzalez and Cyril Adams,
Defendants-Appellants.
-----X

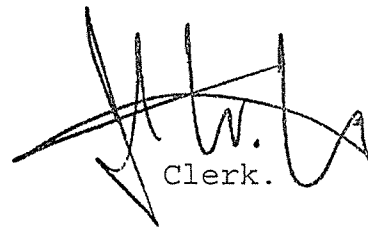
M-4756
Index No. 17378/06

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 4, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated October 14, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 29, 2009.

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

-----X
Stephen Piselli and Corrine Piselli,
Plaintiffs-Respondents,

-against-

Consolidated Edison Company of
New York, Inc.,
Defendant-Appellant,

M-4797
Index No. 108771/07

-and-

Pfizer Inc. and Morgan Construction
Enterprises, Inc.,
Defendants-Respondents.

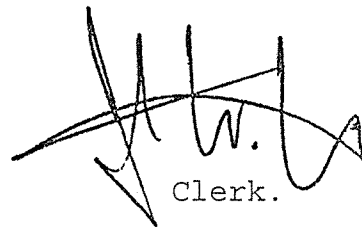
-----X

An appeal having been taken from the orders of the Supreme Court, New York County, both entered on or about April 3, 2009 (mot. seq. nos. 002 and 003),

Now, upon reading and filing the stipulation of the parties hereto, dated October 7, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 29, 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-3888
Ind. No. 1988/07

Francisco Lozada, also known as
Francisco Lozado,
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, Bronx County, rendered on or about November 18, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

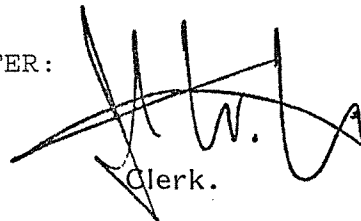
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
John W. Sweeny, Jr.
Dianne T. Renwick
Roselyn H. Richter, Justices.

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

Appellant,

SEALED

-against-

M-4393

Ind. No. 5730/08

Jason Mack,

Defendant-Respondent.
-----X

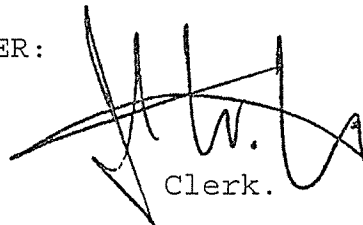
Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from the order of the Supreme Court, New York County, entered on or about February 17, 2009, and for assignment of counsel,

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, Alice L. Fontier, Esq., Joshua L. Pratel, P.C., 2 Wall Street, 3rd Floor, New York, New York 10005, Telephone No. 212-732-0707, as counsel for purposes of responding to the appeal.

The order of this Court entered October 15, 2009 (M-4281) is hereby recalled and vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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-3681
Case No. 56847C/08

Edmund Murray,
Defendant-Appellant.

-----X

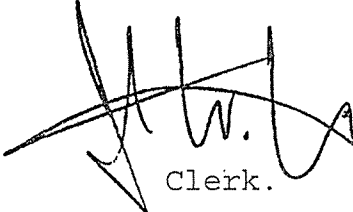
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Andrew C. Quinn, Esq., as well as the amount and sources of funds for trial counsel's fee 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 29, 2009.

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

-----X
The City of New York,
Plaintiff-Appellant,

-against-

M-4409
Index No. 401765/08

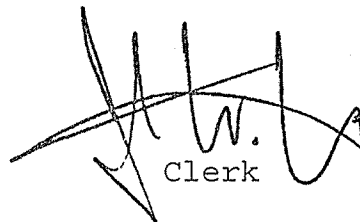
393 Rest on Eighth Inc., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an order enlarging the time in which to perfect the appeals from orders of the Supreme Court, New York County, entered on or about December 4, 2008 (mot. seq. no. 002) and December 22, 2008 (mot. seq. no. 003), 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 appeals, which are, sua sponte, consolidated, to the February 2010 Term. Appellants are permitted to prosecute the appeals upon 10 copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 29, 2009.

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

-----X
Hudson Insurance Company, et al.,

Plaintiffs-Appellants,

-against-

M-4568
Index No. 604411/05

M.J. Oppenheim in his quality as
Attorney in fact in Canada, for
Lloyd's Underwriters, Members of
Lloyd's, London, England,

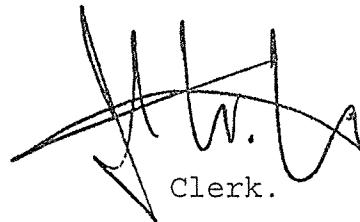
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 27, 2008 (mot. seq. no. 007),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

-----X
Maribel Cuadrado,
Plaintiff-Appellant,

-against-

M-4198
Index No. 400912/04

New York City Transit Authority,
et al.,
Defendants-Respondents.

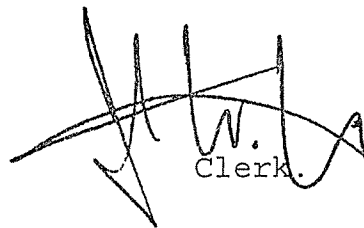
-----X

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 August 11, 2009 (Appeal No. 5),

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 29, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
David Friedman
James M. Catterson, Justices.

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

-against-

M-3187
Ind. No. 1599/90

Domingo Espiritu,
Defendant-Appellant.
-----X

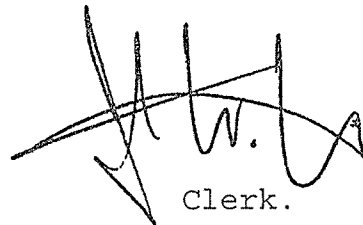
A decision and order of this Court having been entered on November 18, 2003 (Appeal No. 2210), unanimously affirming a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on October 23, 2000,

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 29, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
John T. Buckley
James M. Catterson, Justices.

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

Respondent,

-against-

M-3025
Ind. No. 1907/03

Lance Ely, also known as Ely Lance,

Defendant-Appellant.
-----X

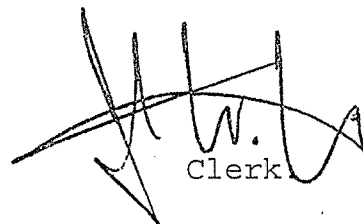
A decision and order of this Court having been entered on November 27, 2007 (Appeal No. 2124), unanimously affirming a judgment of the Supreme Court, New York County (Phillip Grella, J.), rendered on November 17, 2003,

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 29, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
James M. McGuire
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
William June and Stanley Smalls,

Plaintiffs-Respondents,

-against-

M-2835
Index No. 17427/06

Sheikh Ali Akhtar and Techno Cab, Inc.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 7, 2009 (Appeal No. 4509), and for related relief,

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

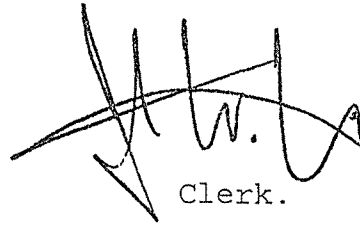
It is ordered that the motion is denied.

All concur except McGuire, J., who dissents as follows:

I respectfully dissent from the denial of leave to appeal to the Court of Appeals from our order affirming the denial of defendants' motion for summary judgment seeking dismissal of the complaint for lack of a serious injury under Insurance Law § 5102 (d). Although I continue to believe, for the reasons stated in my dissent from that order, *June v Akhtar* (62 AD3d 427, 428 [2009]), that the majority erred, I would not grant leave to appeal solely for that reason, even though defendants needlessly would be forced to undergo the expense of a trial as they cannot obtain leave to appeal from our order from the Court of Appeals (see CPLR 5602 [a][1][i]). Nor would I grant leave solely because that order rests on a proposition of law (i.e., that the nature of the prima facie case a defendant must establish in seeking dismissal of a claim of serious injury

under Insurance Law § 5102 (d) varies with the age of the plaintiff) that is without any support in the law. Rather, I would grant leave because that proposition of law threatens the just resolution of motions for summary judgment in other serious injury cases.

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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-3864
Ind. No. 5172/04

Junior Ortiz,
Defendant-Appellant.

-----X
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 13, 2005, and said appeal having been perfected,

And the People having moved for dismissal of said appeal on the grounds that defendant has been deported,

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 29, 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

Joshua Hezekiah B.,

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

M-4176
Docket No. NN4323/08

Commissioner of Social Services
of the City of New York, et al.,
Petitioners-Respondents,

Edgar B., Sr.,
Respondent-Appellant.

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

-----X

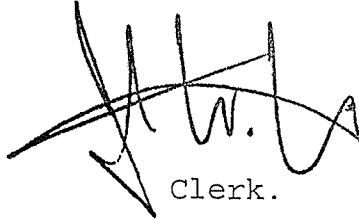
Respondent-appellant Edgar B., Sr., having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 5, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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, Richard L. Herzfeld, Esq., 555 Fifth Avenue, 14th Floor, New York, NY 10017, Telephone No. (212) 818-9019, 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.

CORRECTED ORDER – November 6, 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 29, 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

Jonathan S. and Jeremy S.,

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

M-4191
Docket Nos. **NN11851/08**
NN11852/08

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

Ismelda S.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Ismelda S., 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 July 24, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as

CORRECTED ORDER – November 6, 2009

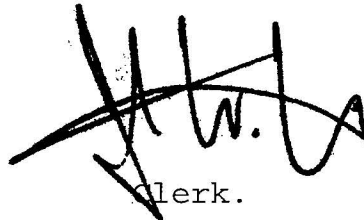
(M-4191)

-2-

October 29, 2009

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 29, 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

Victor M.,

A Person Alleged to Be a Juvenile
Delinquent,

M-4199
Docket No. D-611/09

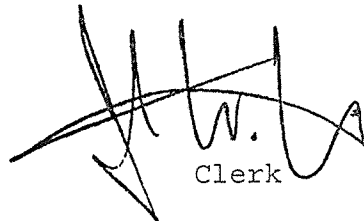
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about June 30, 2009, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt 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 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 29, 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 Commitment of
Guardianship and Custody of

Roberto A.,

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

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

M-4246
Docket No. B28167/05

Altagracia A., also known as Altagracia
A. P. P., also known as Altagracia
A. DeP.,
Respondent-Appellant.

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

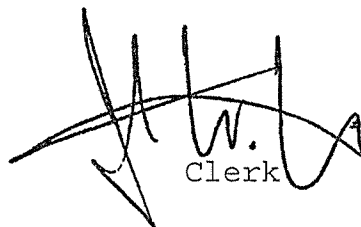
-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 1, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 555 Fifth Avenue, 14th Floor, New York, New York 10017, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

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

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Ramona Ortiz,
Plaintiff-Respondent-Appellant,

-against-

The City of New York,
Defendant-Respondent-Appellant

240 West 98th Street Associates, et al.,
Defendants-Appellants-Respondents,

- - - - - M-4167
Ramona Ortiz, Index No. 113366/05
Plaintiff-Respondent,

-against-

The City of New York,
Defendant-Respondent,

240 West 98th Street Associates, et al.,
Defendants-Appellants.

-----X

Defendant City of New York 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 August 25, 2009 (Appeal No. 118-118A-119N), and for related relief,

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

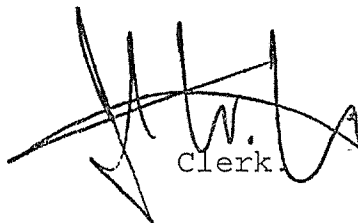
It is ordered that the motion, insofar as it seeks reargument of so much of the aforesaid decision and order of this Court entered on August 25, 2009 which affirmed the order of the Supreme Court, New York County, entered on February 25, 2008 denying the City's motion for summary judgment, is denied.

It is further ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals from so much of the decision and order of this Court entered on August 25, 2009 which reversed the order of the Supreme Court, New York County, entered February 25, 2008 which inter alia denied the motion of defendants-appellants-respondents for summary judgment is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, to the extent it reversed the order of the Supreme Court, properly made?"

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

-----X
Kevin Veneski and Juanita Veneski,

Plaintiffs-Respondents,

-against-

M-4296
Index No. 100011/98

Queens-Long Island Medical Group,
P.C., et al.,

Defendants,

Norman Leonard Cousins,

Non-Party Appellant.

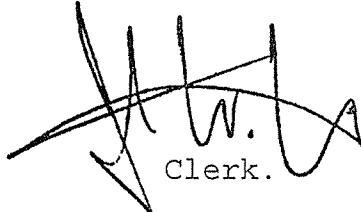
-----X

Non-party appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about January 7, 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 enlarging the time in which to perfect the appeal to the February 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

-----x
Casa Redimix Concrete Corp.,

Plaintiff-Respondent,

-against-

M-4600
Index No. 600672/04

Cosner Construction Corp., et al.,

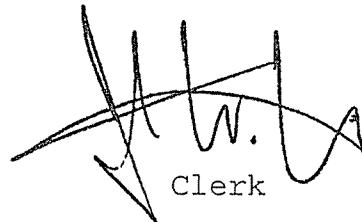
Defendants-Appellants.
-----x

Plaintiff-respondent having moved for enlargement of time to file its respondent's brief on the appeal from the order of the Supreme Court, New York County, entered on or about August 6, 2008 (mot. seq. no. 003), and the judgment entered thereon on or about September 23, 2008, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 13, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is adjourned to the December 2009 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

-----X
Kathryn Jordan,
Plaintiff-Appellant,

-against-

M-4079
Index No. 600246/07

Laurence Lebowitz and Klein Zellman,
Defendants-Respondents.
-----X

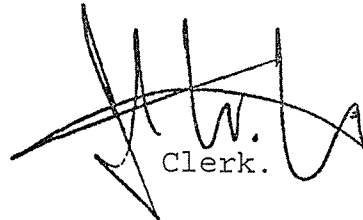
An order of this Court having been entered on June 16, 2009 (M-2242), inter alia, granting plaintiff a final enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about June 6, 2008 (mot. seq. no. 001), which, inter alia, dismissed plaintiff's complaint,

And plaintiff-appellant having moved for a further enlargement of time in which to perfect the appeal (M-4079),

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 as academic the appeal having been dismissed by the order of this Court entered on September 22, 2009 (M-3360) a copy of which is annexed hereto [See M-4080 and M-4081, decided simultaneously herewith].

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 22, 2009.

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

-----X
Kathryn Jordan,
Plaintiff-Appellant,

-against-

M-3360
Index No. 600246/07

Laurence Lebowitz and Klein Zellman,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 6, 2008,

And an order of this Court having been entered on June 16, 2009 (M-2242), inter alia, granting plaintiff a final enlargement of time in which to perfect the appeal to the September 2009 Term,

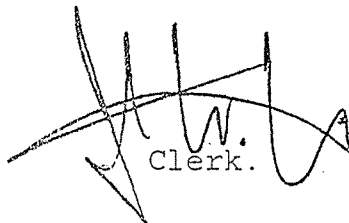
And defendants-respondents having moved to dismiss plaintiff's appeal, and for additional relief,

And plaintiff-appellant having sought, inter alia, reconsideration of so much of the order of this Court entered on June 16, 2009 (M-2242) which denied appellant's motion for an enlargement of the record on appeal, and for a further enlargement to perfect 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 defendants' motion is granted to the extent of dismissing plaintiff's appeal, and is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

-----X
Kathryn Jordan,
Plaintiff-Appellant,

-against-

M-4080
Index No. 601806/07

David Fish, et al.,
Defendants-Respondents.
-----X

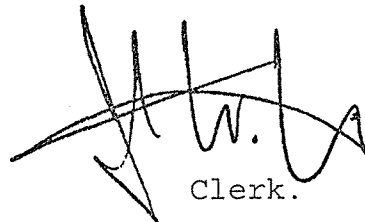
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 6, 2008 (mot. seq. no. 001) which, inter alia, dismissed plaintiff's complaint,

And plaintiff having moved this Court for an order directing the County Clerk of New York County to certify the record herein and for an enlargement of time in which to perfect 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 sua sponte the appeal is dismissed (See M-4079 and M-4081, decided simultaneously herewith).

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 29, 2009.

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

-----X
Kathryn Jordan,
Plaintiff-Appellant,

-against-

M-4081
Index No. 105183/07

Gary Phelan, Wayne Outten and
Outten & Golden,
Defendants-Respondents.
-----X

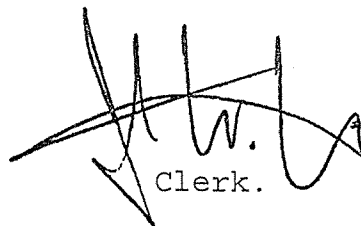
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 6, 2008 (mot. seq. no. 004) which, inter alia, dismissed plaintiff's complaint,

And plaintiff having moved this Court for an order directing the County Clerk of New York County to certify the record herein and for an enlargement of time in which to perfect 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 as academic the appeal having been dismissed by the order of this Court entered on September 22, 2009 (M-3454/M-3490) a copy of which is annexed hereto [See M-4079 and M-4080, decided simultaneously herewith].

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 22, 2009.

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

-----X
Kathryn Jordan,

Plaintiff-Appellant,

M-3454

M-3490

-against-

Index No. 105183/07.

Gary Phelan, Wayne Outten and Outten
& Golden,
Defendants-Respondents.

-----X

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

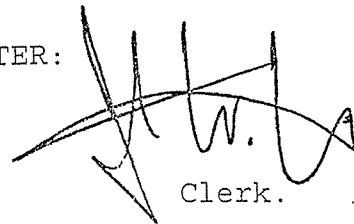
And defendants-respondents Wayne Outten and Outten & Golden (M-3490) and Gary Phelan (M-3454) having separately moved to dismiss the aforesaid appeal,

And plaintiff-appellant having sought an enlargement of time in which to perfect 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 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 29, 2009.

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

-----X
Eirit Simantov,

Plaintiff-Respondent,

-against-

Kipps Taxi, Inc., and Ibrahima Sow,

Defendants-Appellants.
-----X

M-4025
Index No. 13165/07

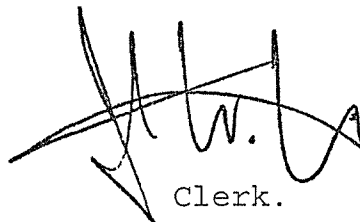
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 14, 2009,

And defendants-appellants having moved to stay trial, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk.

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 29, 2009.

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

-----X
Sharon Singer,
Plaintiff-Respondent,

-against-

M-4223
Index No. 350516/06

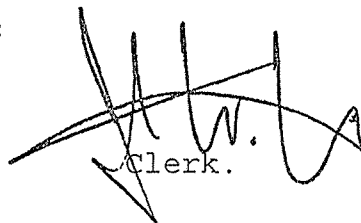
Gregg Singer,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of the revised visitation schedule contained in the order of the Supreme Court, New York County, entered on or about June 16, 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 29, 2009.

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

-----X
Thirty-One Co.,
Plaintiff-Respondent,

-against-

M-4484
Index No. 106759/08

Thomas J. Haggerty and Allied
Diagnostic Imaging, LLC,
Defendants-Appellants.

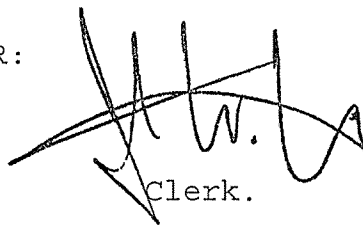
-----X

Defendants-appellants having moved for a stay of enforcement of the order and judgment of the Supreme Court, New York County, entered on or about July 29, 2009 (as amended August 6, 2009) and August 11, 2009, respectively, pending hearing and determination of the appeals 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 29, 2009.

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

-----X
The Bank of East Asia (U.S.A.) N.A.,
Plaintiff-Respondent,

-against-

M-4651
Index No. 601773/09

Miriam Chan,
Defendant-Appellant.

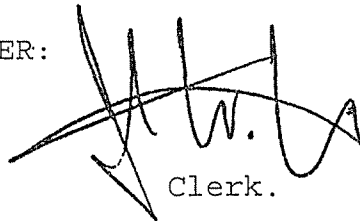
-----X

Defendant-appellant having moved for a stay of entry of judgment pending hearing and determination of the appeal taken from the an order of the Supreme Court, New York County, entered on or about October 6, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is 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 29, 2009.

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

-----X
In re Esther Goldman,

Petitioner-Appellant,

-against-

New York City Housing Authority,

Respondent-Respondent.
-----X

M-3418

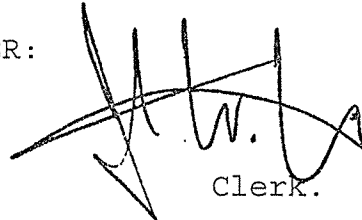
Index No. 115382/06

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 16, 2009 (Appeal No. 835),

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 29, 2009.

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

-----X
Ava, also known as Maximilia Cordero,

Plaintiff-Appellant,

M-3589

-against-

M-3883

Index No. 113903/07

Jeffrey Epstein, et al.,

Defendants-Respondents,

The City of New York,

Non-Party Intervenor.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 16, 2008 (mot. seq. nos. 001, 002, 003, 004 and 005),

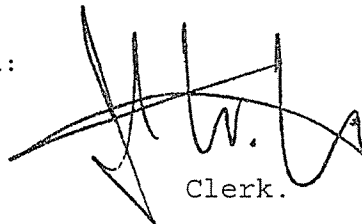
And plaintiff-appellant having moved for an order vacating the aforesaid order appealed from, and for related relief (M-3589),

And the City of New York having cross-moved for an order granting the City leave to intervene on the appeal, or, in the alternative, granting leave to appear amicus curiae and to file a brief (M-3883),

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 vacate the order is denied. The cross motion is granted to the extent of granting the City leave to intervene on the appeal as a non-party respondent pursuant to CPLR 1012(b)(2).

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 29, 2009.

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

-----X
In the Matter of the Application of
Everett Williams,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

M-4617
Index No. 113031/08

-against-

New York City Division of Parole,
Respondent-Appellant.
-----X

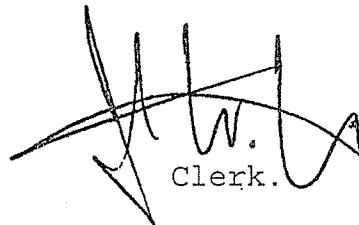
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 12, 2009, and said appeal having been perfected,

And Steven Banks, Esq., of the Legal Aid Society (Robert C. Newman, of counsel) having moved on behalf of Mary Provost Williams for leave to intervene as a respondent in connection with the aforesaid 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.

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 29, 2009.

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

-----X
Maria LeHuey,
Plaintiff-Appellant,

-against-

Loehmann's Plaza, Loehmann's Real Estate
Holding Inc. and White Plains Shopping
Center c/o Robert Orlofsky Realty,
Defendants-Respondents.

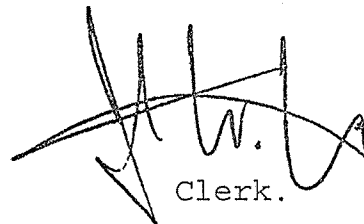
M-4185
M-4283
Index No. 14251/06

-----X
Defendants-respondents Loehmann's having moved (M-4185) and defendant-respondent White Plains Shopping Center having separately moved (M-4283) for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 10, 2008,

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 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 29, 2009.

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

-----X
Felicia Burgos,

Plaintiff-Appellant,

-against-

Francisco Antonio Burgos,

Defendant-Respondent.
-----X

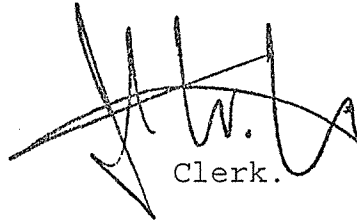
M-4439
Index No. 307718/08

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 17, 2009 (mot. seq. no. 001), 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.

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 29, 2009.

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

-----X
Trayvon Ward, an infant by his
Natural Guardian, Troy Ward, and
Troy ward, Individually,

Plaintiffs-Appellants,

M-4411
Index No. 15810/05

-against-

New York City Health & Hospital
Corp.,

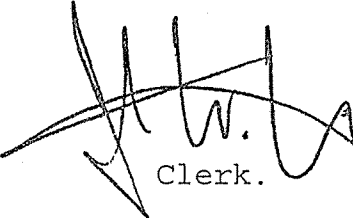
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 8, 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 29, 2009.

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

-----X
Antonio Martinez,

Plaintiff-Respondent,

-against-

M-4510
Index No. 27640/02

Dr. Alexis E. Te,

Defendant-Appellant.
-----X

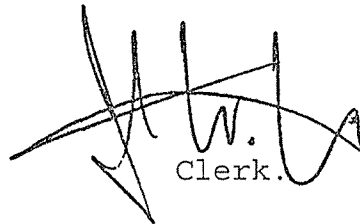
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 5, 2009,

And 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, without prejudice to a further application in Supreme Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

-----X
AJW Partners, LLC, AJW Offshore,
Ltd, AJW Qualified Partners, LLC,
New Millenium Capital Partners, II,
LLC and AJW Master Fund, Ltd.,
Plaintiffs-Respondents,

-against-

M-4518
Index No. 602987/08

Itronics Inc., Whitney & Whitney,
Inc., Itronics Metallurgical, Inc.,
Itronics California, Inc., American
Hydromet, Nevada Hydrometallurgical
Project and Itronics Gold'n Minerals
Inc.,
Defendants-Appellants.

-----X

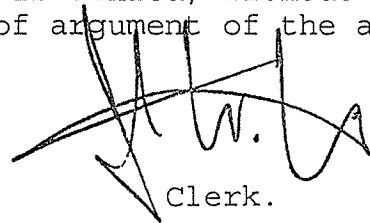
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 30, 2009, said appeal having been perfected for the November 2009 Term,

And plaintiffs-respondents having moved to strike certain material from defendants-appellants' 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, without prejudice to addressing the issue at the time of argument of the appeal.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

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

-against-

M-4449
Ind. No. 4512/02

Steven Darbasie,
Defendant-Appellant.

-----X

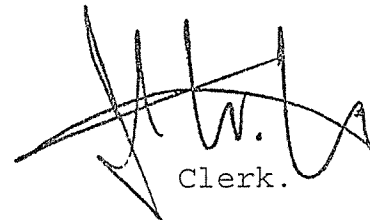
An order of this Court having been entered on December 18, 2008 (M-5294), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 12, 2003,

And defendant having moved for an extension of time in which to file the pro se supplemental 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 granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 7, 2009 for the February 2010 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

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

Respondent,

-against-

M-4459
Ind. No. 57/06

Eddy Momplaiser,

Defendant-Appellant.
-----X

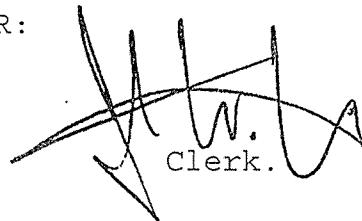
An order of this Court having been entered on August 11, 2009 (M-3115), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 4, 2007,

And defendant having moved for an extension of time in which to file the pro se supplemental 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 granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 7, 2009 for the February 2010 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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 the Application of
Rajiv Khurana,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4245
Index No.104967/08

Raymond Kelly, as Police Commissioner
of the City of New York and as Chairman
of the Board of Trustees of the Police
Pension Fund, Article II, The Board of
Trustees of the Police Pension Fund,
Article II, New York City Police
Department and the City of New York,
Respondents-Respondents.

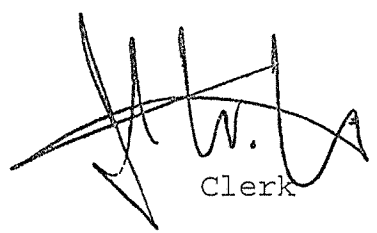
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 31, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 29, 2009.

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

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

-against-

Dwight Giles,
Defendant-Appellant.

M-4035
M-4496
Ind. No. 6804/01

-----X

Defendant having moved, by separate motions, for leave to prosecute, as a poor person, the appeals from the judgment of resentence of the Supreme Court, New York County, rendered on or about January 27, 2009, and the judgment of said Court rendered on or about August 18, 2009, for leave to have the appeals heard upon the original record and upon a reproduced appellant's brief, and for related relief,

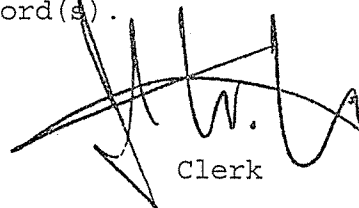
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeals, which are sua sponte consolidated, to be heard on the original records, 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 and trial and sentence and 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 consolidated appeals. The time within which appellant shall perfect the consolidated appeals is hereby enlarged until 120 days from the date of filing of the record(s).

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 29, 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
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Arelis Carmen S.,
Petitioner-Respondent,

M-3788
Docket Nos. V-03654-99/06G
V-03655-99/06

-against-

Daniel H.,
Respondent-Appellant.
-----X

Respondent-appellant father 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 July 13, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

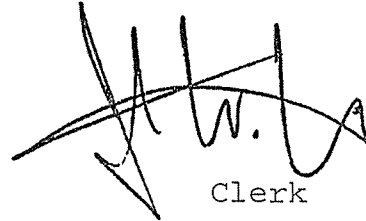
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, New York 10538, Telephone No. 914-834-3053, 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

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

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

ENTER:

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

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

-----X
Joseph Brancaccio,
Plaintiff-Appellant,

-against-

M-3557
Index No. 570738/08

Kateri Residence,
Defendant-Respondent.

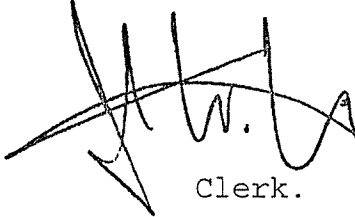
-----X

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 May 5, 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 29, 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-1100
Ind. No. 8819/93

Larry Ross,

Defendant-Appellant.
-----X

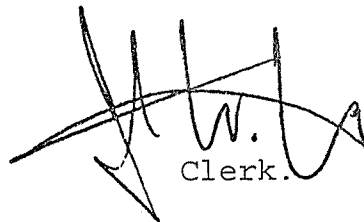
A decision and order of this Court having been entered on November 27, 2001 (Appeal No. 4974), unanimously affirming the judgment of the Supreme Court, Bronx County (Lawrence Bernstein, J.), rendered on February 29, 1996,

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 29, 2009.

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

-----X
Shlomo Greenberg and Ofry Reuven,
Plaintiffs-Respondents,

-against-

Pine Equity International LLC,
Oxford Capital Westchester LLC and
Ofir Resles,
Defendants-Appellants.

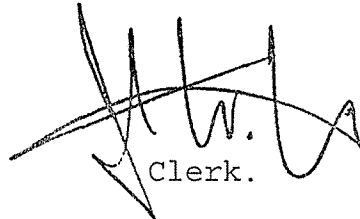
M-4366
Index No. 603396/06

-----X
Plaintiffs-respondents having moved for dismissal of the appeals taken from an order and judgment of the Supreme Court, New York County, entered on or about December 27, 2007 and March 14, 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 and the appeals are 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 29, 2009.

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

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

Natasha Latoya T-M.,
Petitioner-Appellant,

M-4304
Docket Nos. V3857-07/08A

-against-

Michael Devonne M. and Administration
for Children's Services of the City
of New York,
Respondents-Respondents.
-----X

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

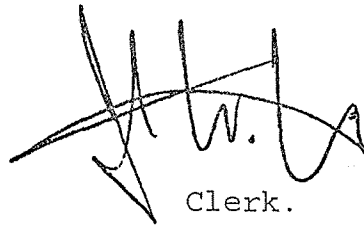
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, telephone No. (212) 972-5430, Ext. 25, 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 of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;

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

(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:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2009.

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

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

Pacific Employers Insurance Company,
Plaintiff-Respondent,

-against-

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

M-4250
Index No. 600133/06
(mot. seq. nos. 042 & 044)

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

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

-against-

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

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

Affiliated FM Insurance Company,
Defendant-Appellant,

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

Allianz Underwriters Insurance
Company, et al.,
Defendants,

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

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

-----X

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

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

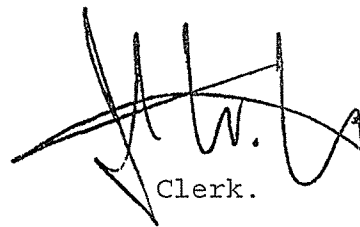
And separate appeals having been taken from the aforesaid order entered on or about August 21, 2007 by defendants, Affiliated FM Insurance Company; OneBeacon America Insurance Company, etc.; and Underwriters at Lloyd's London, et al.,

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

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

It is ordered that the motion is granted to the extent of enlarging the time of the respective appellants in which to perfect the appeal(s) to the 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 29, 2009.

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

-----X
James Brady and Jane Brady,

Plaintiffs-Appellants,

-against-

M-4358
Index No. 603741/07

450 West 31st Owners Corp., Extell
Development Company, Hudson Yards,
LLC, Extell 31/10 LLC and John Doe
1-25,

Defendants-Respondents.
-----X

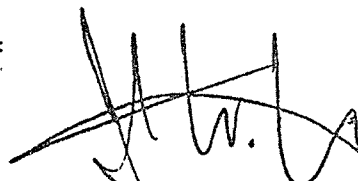
Appeals having been taken from the order of the Supreme Court, New York County, entered on or about July 7, 2008 (mot. seq. no. 002), and from the order and judgment (one paper) of said Court entered on or about March 26, 2009 (mot. seq. no. 005), respectively, and said appeals having been consolidated by the order of this Court entered on May 28, 2009 (M-1797),

And Mark S. Friedlander, Esq., having moved to be relieved as plaintiffs' counsel on the aforesaid consolidated appeals, and to enlarge the time of appellants in which to perfect said appeals,

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

Ordered that the motion is granted to the extent of relieving Mark S. Friedlander, Esq., as counsel on the consolidated appeals on condition that, within 10 days of the date of entry hereof, counsel serves a copy of this order upon all parties. Appellants' time in which to perfect said appeals is enlarged to on or before January 4, 2010 for the March 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 29, 2009.

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

-----X
Susan Angel,
Plaintiff-Appellant,

-against-

M-4359
Index No. 350072/05

Christopher O'Neill,
Defendant-Respondent.
-----X

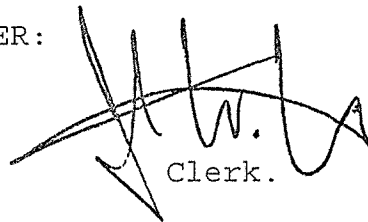
Plaintiff having taken an appeal from the order of the Supreme Court, New York County, entered on or about September 14, 2009 (mot. seq. no. 079),

And plaintiff-appellant having moved for a stay of so much of the aforesaid order of the Supreme Court directing the restraint of the proceeds of the sale of a certain cooperative apartment pending hearing and determination of the appeal, for an order directing defendant-respondent to post an undertaking herein, staying foreclosure proceedings with respect to the aforesaid cooperative apartment, and for an order directing refusal of the trial court,

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

It is ordered that the motion is in all respects 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 29, 2009.

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

-----X
Beaux Arts II, LLC,
Petitioner-Landlord-Respondent,

-against-

M-4226
Index No. 570242/09

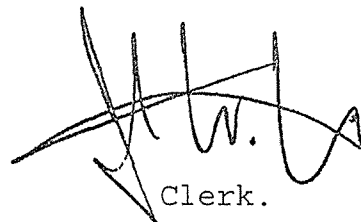
Clifford Array,
Respondent-Tenant-Appellant.
-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 1, 2009; for a stay of execution of eviction pending hearing and determination of the aforesaid appeal, and for related relief,

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

It is ordered that the motion is denied in its entirety.

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 29, 2009.

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

-----X
Barbara Lerner,

Claimant-Appellant,

M-4427

-against-

Court of Claims

Motion Nos. M-74577

The State of New York,

M-74578

Defendant-Respondent.
-----X

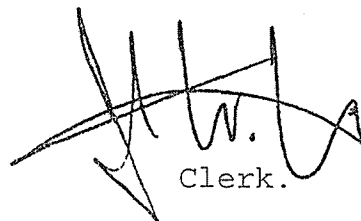
An order of this Court having been entered on August 18, 2009 (M-3273), enlarging appellant's time in which to perfect the appeal taken from the order of the Court of Claims of the State of New York entered on or about November 30, 2007 (Court of Claims Motion Nos. M-74577 and M-74578) to on or before October 5, 2009 for the December 2009 Term,

And claimant-appellant having moved for a further enlargement of time in which to perfect the aforesaid appeal and for leave to prosecute same as a poor person, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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. So much of the motion which seeks poor person relief 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 29, 2009.

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

-----X
Margaret Condzal,

Plaintiff-Respondent,

-against-

M-3924
Index No. 350513/04

Paul F. Condzal,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 8, 2008 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 29, 2009.

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

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

-against-

M-4311
Ind. No. 4816/08

Kiani Henderson,
Defendant-Appellant.

-----x

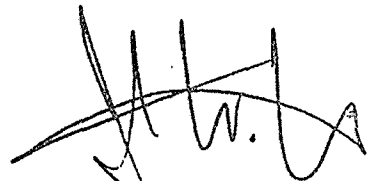
Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 25, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the District Attorney of said county and file 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. Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts.

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 29, 2009.

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

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

Respondent,

-against-

M-4470
Case No. 46397C/06

Eddy Kuhwaien, also known as Kyhwaien,
Eddy, also known as Eddy Kohwarien,

Defendant-Appellant.

-----X

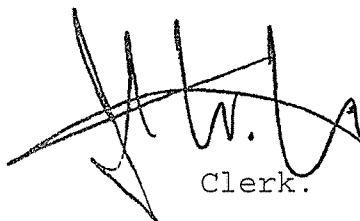
An appeal having been taken to this Court from judgments of the Supreme Court, Bronx County, entered on or about December 19, 2007, and said appeal having been perfected,

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 the correspondence from defendant-appellant dated October 2, 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 in the County of New York on October 29, 2009.

Present: Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
CDR Créances S.A.S., as Successor
to Societe de Banque Occidentale,
Plaintiff-Respondent,

-against-

M-4280

Index No. 600448/06

Leon Cohen, also known as Leon Levy,
also known as Leon Levy Cohen, etc.,
et al.,
Defendants,

Joelle Habib, Robert Maraboeuf,
Alegria Acour Aich and Patricia
Habib Petetin,
Defendants-Appellants,

Iderval Holding, Ltd., et al.,
Defendants.

-----X

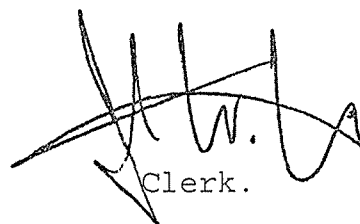
Appeals having been taken from an order of the Supreme Court, New York County, entered on or about September 14, 2009,

And defendants-appellants, Joelle Habib, et al., having moved to stay all discovery under Index No. 600448/06, 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 and, sua sponte, the appeals are dismissed, said appeals having been taken from a non-appealable order.

ENTER:


Clerk.

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-4064
Ind. No. 1609/2005


-against-

CERTIFICATE
DENYING LEAVE

Isheah Young

Defendant.

-----X
I, Karla Moskowitz, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, sections 450.15
and 460.15, and upon the record and proceedings herein, there is
no question of law or fact presented which ought to be reviewed
by the Appellate Division, First Judicial Department, and
permission to appeal from the order of the Supreme Court, New
York County, entered on or about August 7, 2009, is hereby
denied.



Associate Justice

Dated: **OCT 26 2009**
New York, New York

ENTERED

OCT 29 2009

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

-----X
In the Matter of the Application of
Brad Berk, et al.,

Petitioners,

-against-

M-4153
Index No. 110788/08

Pali Holdings, Inc., etc., et al.,

Respondents.
-----X

Respondent Bradley Reifler, former Chairman and Chief Executive Officer of Pali Holdings, Inc., having moved, pursuant to CPLR 5701(c), for leave to appeal to this Court from orders of the Supreme Court, New York County, entered on or about July 27, 2009 (mot. seq. nos. 014, 015 and 016),

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.



Dated: New York, New York
October 23, 2009

Leland G. DeGrasse
Associate Justice

ENTERED

OCT 29 2009

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

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

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

M -4517
Indictment. No. 4708/02

-against-


CERTIFICATE
DENYING LEAVE

MICHAEL BURGESS,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about August 5, 2009 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: October 22, 2009
New York, New York

ENTERED: **OCT 29 2009**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-4091
Ind. No. 658/01

-against-

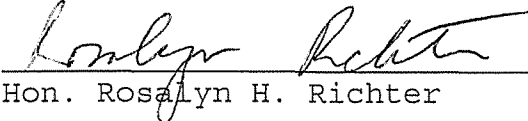
CERTIFICATE
DENYING LEAVE

Nicholas Pisciotta,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application 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, Bronx County, entered on or about August 20, 2009, is hereby denied.



Hon. Rosalyn H. Richter

Dated: October 26, 2009
New York, New York

ENTERED: **OCT 29 2009**

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M - 4152
Ind. Nos. 3846/03,
5973/03

-against-

CERTIFICATE
DENYING LEAVE

John Ramos

Defendant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 24, 2009 is hereby denied.

SA-S
Associate Justice

Dated: October 19, 2009
New York, New York

ENTERED: OCT 29 2009

PM ORDERS

ENTERED

OCTOBER 27, 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 27, 2009.

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

-----x
Brunilda Irizarry,
Plaintiff,

M-4443

-against-

Index No. 107452/07

ABC Realty, et al.,
Defendants.

- - - - -
ABC Management Corp., also sued herein
as "ABC Realty",
Third-Party Plaintiff,

-against-

Index No. 590379/09

Albanese Pest Control, Inc.,
Third-Party Defendant.

-----x
Third-party defendant Albanese Pest Control having moved, pursuant to CPLR 5704(a), for vacatur of an ex parte order of the Supreme Court, New York County, entered on or about August 24, 2009 which, inter alia, amended the summons and complaint to include them as direct defendants,

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 proceeding in Supreme Court by notice of motion.

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

-----X
Mauhoi Tung,
Plaintiff-Appellant,

-against-

M-4631
Index No. 119616/03

Henry Chiu D.D.S., doing business
as Mott Street Dental Services P.C.,
Defendant-Respondent.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about February 4, 2009 (mot. seq. no. 004), from the judgment of said Court, entered on or about March 16, 2009, and from the orders of said Court entered on or about April 17, 2009 and on or about July 2, 2009 (mot. seq. no. 006), respectively,

And plaintiff-appellant having moved for a stay of the aforesaid orders and judgment, 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. Respondent's application for sanctions is denied without prejudice to seeking such relief in Supreme Court.

ENTER:


Clerk