

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 February 19, 2009.

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

-----X

David Kenig,

Plaintiff-Appellant,

-against-

M-667X

Index No. 350794/06

Sharone Shatz Kenig,

Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 14, 2008 (mot. seq. no. 003), February 6, 2008 (mot. seq. no. 004) and August 20, 2008 (mot. seq. no. 006), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 6, 2009, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

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

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

-against-

M-556
Ind. No. 441/07

Sakema Canns,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 6, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated January 30, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 February 19, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe
David Friedman, Justices.

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

Respondent,

-against-

Randal De La Cruz,

Defendant-Appellant.
-----X

M-5093 (DC #24)

M-4808

M-674

Ind. No. 4986/05

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 6, 2006,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department (M-5093 [DC #24]),

And counsel for appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-4808),

Now, upon reading and filing the papers with respect to the motions, the stipulation of the parties hereto, dated February 3, 2009 (M-674); and due deliberation having been had thereon, and upon the Court's own motion (M-5093 [DC #24]),

It is ordered that the appeal is withdrawn, in accordance with the aforesaid stipulation (M-674).

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

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

-----X
Silvana Gjegji,
Plaintiff-Respondent,

-against-

M-646
Index No. 18851/06

Erik F. Russo, Inc., Carlos Acosta,
Defendants-Appellants,

-and-

Diana Mirdita,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 2, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated January 21, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 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 February 19, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

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

Benito Gonzalez,
Petitioner-Appellant,

M-6084
Index No. 103042/08

For a Judgment, etc.,

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 28, 2008 (mot. seq. no. 002),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
John T. Buckley
Leland G. DeGrasse, Justices.

-----X
Citicorp Vendor Finance, Inc.,
formerly known as Copelco Capital,
Inc.,
Plaintiff-Respondent,

-against-

Manhattan Total Health and
Medical Diagnostics, P.C.,
Defendant-Appellant.

M-362
Index No. 601564/06

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

Index No. 591163/06

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 22, 2008,

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

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

Ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

Present: Hon. Peter Tom, Justice Presiding,
John T. Buckley
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-4245
Ind. No. 5670/97

Brunce Smith, also known as Bruce
Smith,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on January 31, 2002 (Appeal No. 94), unanimously affirming the judgment of the Supreme Court, Bronx County (Frank Torres, J.), rendered on April 5, 1999,

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 February 19, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Chelsea 19 Associates,

Petitioner-Landlord-Respondent,

-against-

M-6115
Index No. 570746/07

Warren James,

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

Respondent-tenant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about October 9, 2008, for a stay of eviction, pending hearing and determination of said 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, to the extent it seeks leave to appeal to this Court and for a stay of eviction, is granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this 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 February 19, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
Eugene Nardelli
John T. Buckley, Justices.

-----X
East Best Food Corp.,
Plaintiff-Respondent,

-against-

M-6056
Index No. 100055/07

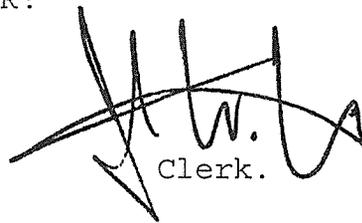
NY 46th LLC,
Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 13, 2008 (Appeal No. 4551),

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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. Catterson
Dianne T. Renwick, Justices.

-----x
Armando Gonzalez, as Auxiliary Executor
for the Estate of

Antonio Laurentino Turbel, Antonio Maria
Turbel Munilla, Maria Viviana Turbel
Munilla and Arturo Eduardo,
Plaintiffs-Appellants,

-against-

M-328
M-395
Index No. 605012/98

Societe Generale,
Defendant-Respondent.
-----x

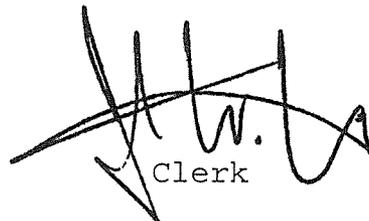
Defendant-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about November 24, 2008,

And plaintiff-appellant Armando Gonzalez having cross-moved for an enlargement of time in which to perfect the appeal,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the June 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon appellant(s) within 10 days after the date of entry hereof. The cross motion for an enlargement of time in which to perfect the appeal is granted to the extent indicated.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. Catterson
Dianne T. Renwick, Justices.

-----X
Nicoletti Gonson Spinner & Owen LLP
(formerly known as Nicoletti Gonson
& Spinner LLP),
Plaintiff-Respondent,

M-170

-against-

Index No. 604180/06

York Claims Service, Inc.,
Defendant-Appellant.

- - - - -
York Claims Service, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590030/07

Colonial Cooperative Insurance Company
and Stephen Muehlbauer,
Third-Party Defendants-Respondents.

-----X

Appeals having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or October 18, 2007 and February 26, 2008, respectively, and from the order of said Court entered on or about July 31, 2008,

And defendant/third-party plaintiff-appellant having moved for leave to file a supplemental record on appeal or, in the alternative, for a stay of the appeals pending hearing and determination of a motion presently sub judice in Supreme 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 granted only to the extent of allowing movant to file Exhibit F to the moving papers as an exhibit on the appeal. The motion is otherwise denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X

Ana Velazquez,

Plaintiff-Appellant,

-against-

M-207

Index No. 16282/03

St. Barnabas Hospital,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 4, 2008 (Appeal No. 4754N),

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 February 19, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x
Susan Charney,

Plaintiff,

-against-

M-158
Index No. 24517/88

Judith Herskowitz,

Defendant,

North Jersey Trading Corp., et al.,

Defendants.
-----x

An order of this Court having been entered on September 2, 2008 (M-3603), dismissing defendant Judith Herskowitz's appeal from the order of the Supreme Court, New York County, entered on or about August 1, 2007,

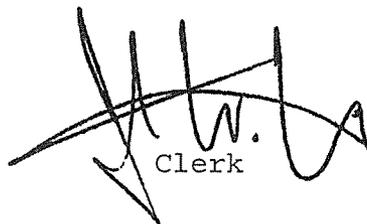
And an order of this Court having been entered on December 9, 2008 (M-4771), denying defendant Judith Herskowitz's motion for vacature of the order dismissing the aforesaid appeal and for reinstatement of said appeal,

And defendant Judith Herskowitz having now moved in the nature of reargument,

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 February 19, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X

The People of the State of New York,
Respondent,

M-318
Ind. No. 3251/03

-against-

Jacob Reyes,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on January 20, 2009 (Appeal No. 5063),

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 an application by the People in Supreme Court with respect to the period of post-release supervision.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
John T. Buckley
Helen E. Freedman, Justices.

-----X
Timothy Anderson, et al.,
Plaintiffs-Appellants,

-against-

M-187
Index No. 24782/01

New York City Housing Authority,
Defendant-Respondent.
-----X

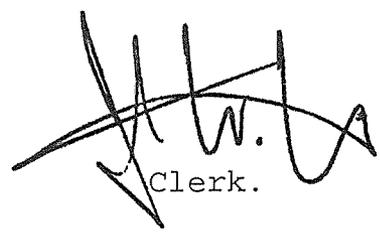
An order of this Court having been entered on November 20, 2008 (M-4404), inter alia, dismissing the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 6, 2002,

And plaintiffs-appellants having moved for reargument of the order of this Court (M-4404),

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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Salvatore LaMasa, et al.,
Plaintiffs-Respondents,

-against-

M-159
Index No. 129996/93

John K. Bachman,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 20, 2008 (Appeal No. 4608),

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 February 19, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Maria DeCarvalhosa,
Plaintiff-Respondent,

-against-

M-335
Index No. 106052/03

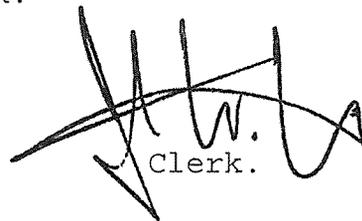
Renata Adler,
Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 18, 2008 (Appeal Nos. 4875.1 and 4875.1A),

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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
American Transit Insurance Company,
Plaintiff-Respondent-Appellant,

-against- /

M-284
Index No. 11752/07

Arthur Brown,
Defendant-Appellant-Respondent,

-and-

Albertano Batista,
Defendant-Respondent-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 10, 2008,

And plaintiff-respondent-appellant American Transit Insurance Company having moved to dismiss the direct appeal taken by defendant Arthur Brown from the aforesaid order,

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

It is ordered that the motion to dismiss the direct appeal is granted unless defendant-appellant-respondent Arthur Brown perfects the direct appeal for the June 2009 Term. Upon failure to so perfect, an order dismissing the direct appeal may be entered ex parte, provided that plaintiff-respondent-appellant American Transit Insurance Company serves a copy of this order upon the direct appellant Brown within 10 days after the date of entry hereof. Should direct appellant Brown fail to so perfect, plaintiff is directed to perfect as appellant for the September 2009 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Vincenzo Ferriolo,
Plaintiff-Appellant,

-against-

M-160
Index No. 105667/04

The City of New York and Police
Officer Kien Gian,
Defendants-Respondents.

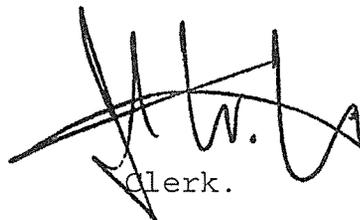
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect his appeal from an order of the Supreme Court, New York County, entered on or about March 11, 2008 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before March 23, 2009 for the June 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 February 19, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Rita Alvarez,
Plaintiff-Respondent,

-against-

M-201
Index No. 16829/05

Dio F.L.P. and Joseph Dioguardi,
Defendants-Appellants.

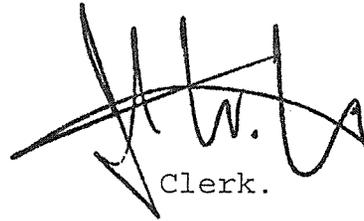
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about March 10, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before March 23, 2009 for the June 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 February 19, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-5190
Ind. No. 2139/04

Carnell McGill,

Defendant-Appellant.
-----X

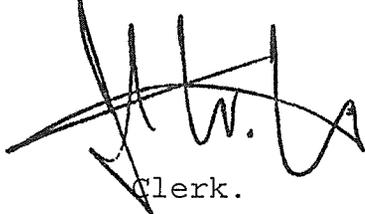
A decision and order of this Court having been entered on February 27, 2007 (Appeal No. 346), unanimously affirming the judgment of the Supreme Court, New York County (Edward McLaughlin, J.), rendered on March 23, 2005,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
James M. McGuire
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Iris Contreras by Guardian Ad Litem
Matea Contreras and Matea Contreras
Ind.,
Plaintiff-Respondent,

-against-

M-6059
Index No. 6911/05

LaSalle Bus Company, also known
as Jafaz Transportation Corporation
and The Institute of Applied Human
Dynamics,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 16, 2008,

And defendants-appellants having moved for a stay of discovery pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is granted on condition appellants perfect the appeal on or before March 23, 2009 for the June 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
Dianne T. Renwick, Justices.

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

-against-

M-134
Ind. No. 855/08

Uzo Uzo, also known as No F/ Uzo,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about September 17, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

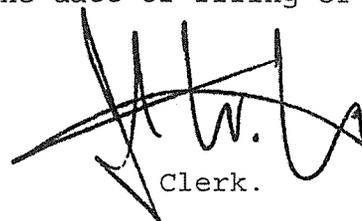
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 February 19, 2009.

PRESENT - Hon. David Friedman, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of
Robert Knudsen,
Petitioner-Appellant,

For a Judgment, etc.,

M-173
Index No. 113735/07

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 4, 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 petitioner-appellant's time in which to perfect the appeal to on or before March 23, 2009 for the June 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

PRESENT - Hon. David Friedman, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
Dianne T. Renwick, Justices.

-----X
Eliezer Schoen, Individually and
as Executor and Co-Trustee of
the Estate of Leah Schoen,
Plaintiff-Appellant,

-against-

M-306
Index No. 111971/06

Ruth Lemberger, Individually and
as Co-Trustee under the Last
Will and Testament of Leah Schoen,
deceased,
Defendant-Respondent,

-and-

Merrill Lynch & Co., Inc., et al.,
Defendants.

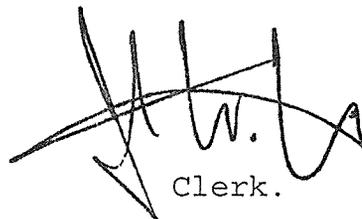
-----X

Plaintiff-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 April 17, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to on or before July 13, 2009 for the September 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

Present - Hon. David Friedman, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----x
In the Matter of

Amy K. and
Daniel K.,

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

M-229
M-326

Administration for Children's Services,
Petitioner-Respondent,

Docket Nos. N13183/05
N13184/05

Wanda K.,
Respondent-Appellant.

Nancy Dunbar, Esq.,
Law Guardian for the Children.

-----x

An order of this Court having been entered on December 4, 2008 (M-5290/M-5450), inter alia, denying petitioner-respondent's motion for dismissal of the appeal from the order of the Family Court, New York County, entered on or about January 22, 2008, and adjourning the appeal to the March 2009 Term,

And petitioner-respondent having renewed the motion for dismissal of the aforesaid appeal (M-229),

And respondent-appellant having cross-moved for an order releasing the forensic report of psychologist Bryon Stuart to the New York State Psychologist's Licensing Board (M-326),

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

It is ordered that the motion is granted and the appeal is dismissed. The cross motion is denied, without prejudice to seeking such relief in Family Court.

ENTER:



clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Matty Gal-Ed and Arcadi Yagouduief,

Plaintiffs-Appellants,

-against-

M-5887

Index No. 106882/06

153rd Street Associates, LLC.,
et al.,

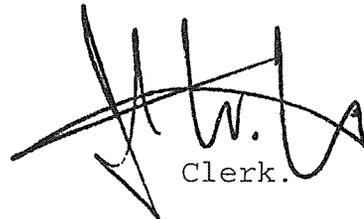
Defendants-Respondents.
-----X

Defendant-respondent H. Thomas O'Hara Architect PLLC having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 20, 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 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 February 19, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-298 & M-447
Index No. 604112/02

Gloria Sandmeyer and April Sandmeyer,
individually, and mother and natural
guardian of Alissa Sandmeyer-Caballero
and Maya Christina Caballero,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 26, 2007,

And plaintiff-respondent having moved to dismiss the aforesaid appeal (M-298),

And defendants-appellants having cross-moved for an enlargement of time in which to perfect said appeal (M-447),

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 dismiss the appeal is granted unless the appeal is perfected on or before March 23, 2009 for the June 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellants within 10 days after the date of entry hereof. The cross motion is granted to the extent indicated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

Present - Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

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

Edward F.,
Petitioner-Respondent,

M-3491
Docket Nos. V14269/05
014717-05/06A

-against-

Karima G.,
Respondent-Appellant.

Elisa Barnes, Esq.,
Law Guardian for the Child.

-----x
An order of this Court having been entered on December 4, 2008 (M-3829), granting respondent leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 23, 2008,

And Elisa Barnes, Esq., law guardian for the child, having moved to be assigned as counsel to respond to the appeal herein,

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

It is ordered that the motion is granted and, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, New York 10013, Telephone No. 212-693-2330, is assigned as law guardian for purposes of responding to the appeal.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

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

-----X
In the Matter of

Isaiah F.,
Isis F.,

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

Administration for Children's
Services,
Petitioners-Respondents,

M-4585B
Docket Nos. NA13575/06
NA13576/06

Alexander F.,
Cherise F.,
Anita T.,
Respondents,

Alexander W.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered on February 5, 2009 (M-4585A), inter alia, assigning Randall Carmel, Esq., as counsel to prosecute the appeal from the order of the Family Court, Bronx County, entered on or about September 9, 2008; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel, Randall Carmel, Esq., as counsel to prosecute respondent-appellant's appeal, and substituting, pursuant to Section 722 of the County Law, Geoffrey P. Berman, Esq., 2005 Palmer Avenue #176, Larchmont, New York 10538, Telephone No. 914-834-3053, as such counsel. The poor person relief previously granted by the order of this Court entered on November 20, 2008 (M-4585) is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later. The order of this Court entered on February 5, 2009 (M-4585A) 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 February 19, 2009.

Present - Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x

Dahi Raheim & Rawia Shadli,

Plaintiffs-Appellants,

-against-

M-287

Index No. 400975/08

8835 23rd Avenue Tenants Corp.,
Cropsey Bay Estates,

Defendants-Respondents.

-----x

Plaintiffs-appellants having moved for leave to prosecute, as poor persons, the appeal from the order of the Supreme Court, New York County, entered on or about December 22, 2008, for leave to have the appeal heard on the original record and upon a reproduced 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.

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 February 19, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Amir Tawfiyq Abdul-Aziz, /
Plaintiff-Appellant,

-against-

M-6135
Index No. 024683/00

The City of New York,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 13, 2008 (Appeal No. 4535),

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 February 19, 2009.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Venna Sadhwani,
Plaintiff-Respondent,

-against-

M-128
Index No. 116533/06

New York City Transit Authority, et al.,
Defendants-Appellants.
-----X

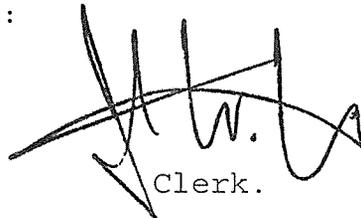
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about November 20, 2008,

And plaintiff-respondent having moved for an appellate preference directing defendants-appellants to expeditiously perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of directing defendants-appellants to perfect the appeal for the September 2009 Term, and the Clerk is directed to calendar the appeal for hearing in said Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 19, 2009.

Present - Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x

Nelson Gonzalez,
Plaintiff-Respondent,

-against-

M-327
Index No. 106484/06

525 West 175th Street, LLC.,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 18, 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 June 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 February 19, 2009.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-295
Ind. No. 651/07

Juan Valdez,
Defendant-Appellant.

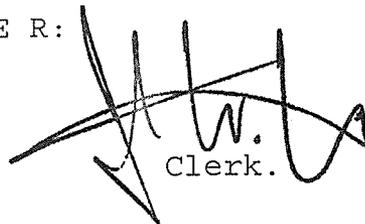
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 6, 2008, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before March 23, 2009 for the June 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on February 19, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Matapos Technology Limited,
Plaintiff-Respondent,

-against-

M-356
Index No. 600384/08

Compania Andina De Comercio Ltda,
also known as Companex,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 22, 2008 (mot. seq. no. 001),

And defendant-appellant having moved to stay all proceedings, including a referee hearing, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


Clerk

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

Appellant,

M-419
Ind. No. 3208/03

-against-

Juwanna Wrotten,

Defendant-Respondent.

CERTIFICATE GRANTING
LEAVE TO APPEAL TO
THE COURT OF APPEALS

-----X
I, DAVID FRIEDMAN, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals, and, pursuant to CPL 460.20, it is

ORDERED that permission be, and it hereby is granted to the above-named appellant to appeal to the Court of Appeals.

Dated: New York, New York
February 9, 2009

ENTERED FEB 19 2009



DAVID FRIEDMAN
Justice of the Appellate Division

*Description of Order:

Supreme Court, Bronx County, entered on November 23, 2004.

App. Div., Appeal No. 1984, reversed on December 30, 2008.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-5295
Ind. No. 5157/71

-against-

CERTIFICATE
DENYING LEAVE

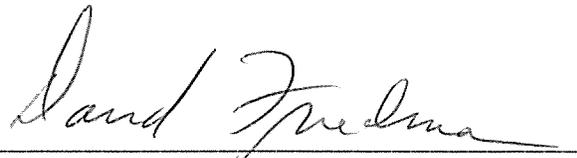
Bernard DeVeaux,
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about October 21, 2008, is hereby denied.

Dated: New York, New York
February 10, 2009

ENTERED FEB 19 2009



DAVID FRIEDMAN
Justice of the Appellate Division

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

BEFORE: Hon. Luis A. Gonzalez
Justice of the Appellate Division

-----X
Stop the Madrassa Community Coalition
et. al.,

Petitioners,

M-144
Index No. 113973/07

-against-

New York City Department of Education
et. al.,
Respondents.

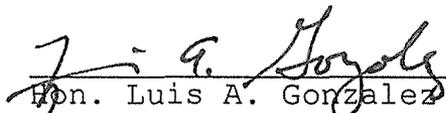
CERTIFICATE
LEAVE DENIED

-----X

Petitioners having moved pursuant to CPLR 5701(c) for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about December 11, 2008,

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

It is ordered that the motion is denied.



Hon. Luis A. Gonzalez
Associate Justice

Dated: February 6, 2009
New York, New York

ENTERED FEB 19 2009

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

BEFORE: Hon. Eugene L. Nardelli
Justice of the Appellate Division

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

M-48
Ind. No. 2001/99

-against-

CERTIFICATE
DENYING LEAVE

Carlos Garcia-Lopez,

Defendant.

-----X

I, Eugene L. Nardelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about November 14, 2008, is hereby denied.



Justice of the Appellate Division

Dated: New York, New York

.....
ENTERED FEB 19 2009

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

BEFORE: Hon. Eugene L. Nardelli
Justice of the Appellate Division

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

M-53
Ind. No. 7715/83

-against-

CERTIFICATE
DENYING LEAVE

Francisco Rios,

Defendant.

-----X

I, Eugene L. Nardelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 9, 2008, is hereby denied.



Justice of the Appellate Division

Dated: New York, New York

ENTERED FEB 19 2009

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. John T. Buckley
Justice of the Appellate Division

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

M-94
Ind. No. 572/75

-against-

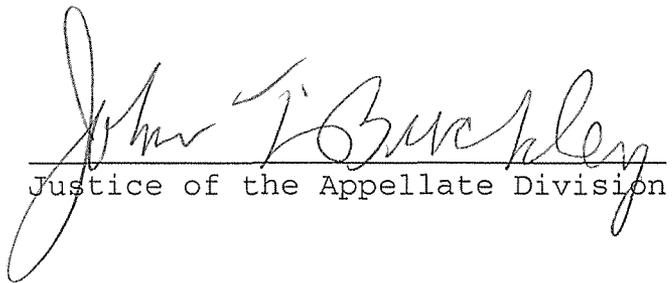
CERTIFICATE
DENYING LEAVE

Anthony Viserto, a/k/a Anthony Ricco,
Defendant.

-----X
I, John T. Buckley, 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 Section 460.15 of the Criminal Procedure Law, 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, rendered November 17, 2008, is
hereby denied.

Dated: New York, New York
February 10, 2009

ENTERED FEB 19 2009


Justice of the Appellate Division

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. John T. Buckley
Justice of the Appellate Division

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

M-6089
Ind. No. 6415/97

-against-

CERTIFICATE
DENYING LEAVE

William Maldonado,
Defendant.

-----X

I, John T. Buckley, 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 Section 460.15 of the Criminal Procedure Law, 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, rendered November 13, 2008, is hereby denied.

Dated: New York, New York
February 10, 2009

ENTERED

FEB 19 2009


Justice of the Appellate Division