

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 28, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Advance Magazine Publishers Inc.,
doing business as The Conde Nast
Publications,

Plaintiff-Respondent-Appellant,

M-4831X

-against-

Index No. 600396/07

Four Times Square Associates LLC,


Defendant-Appellant-Respondent.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 26, 2007 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 7, 2008, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2008.

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

-----X
Rowena Perry,
Plaintiff-Respondent,

-against-

The Mount Sinai Hospital,
Defendant,

M-4847

Index No. 108232/06

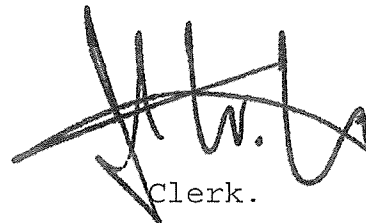
Aramark Management Services Limited
Partnership,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 25, 2008 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed October 6, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2008 Term, is withdrawn in accordance with the aforesaid stipulation.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 28, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

Amy Fabrikant,

Plaintiff-Respondent,

-against-

M-4835X

Index No. 350394/04

Jay Fabrikant,

Defendant-Appellant.

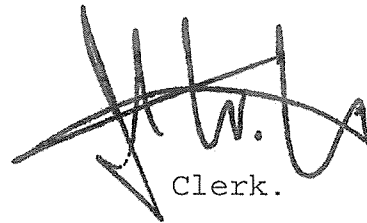
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 26, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 7, 2008, 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 28, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

In the Matter of

Alexis G.,

A Person Alleged to Be a Juvenile
Delinquent,

M-4848
Docket No. D8513/07

Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about September 11, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated October 2, 2008, and due deliberation having been had thereon, it is

Ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2008.

PRESENT - Hon. Jonathan Lippman, 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-4850
Ind. No. 2017/06

Julio Velez,
Defendant-Appellant.

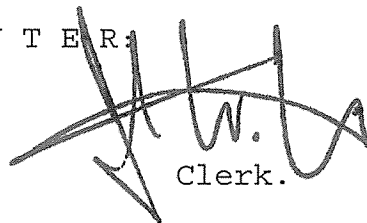
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 7, 2007,

Now, upon reading and filing the stipulation of the parties hereto, filed October 8, 2008, and due deliberation having been had thereon, it is

Ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Jorge Meade,

Plaintiff-Respondent,

-against-

M-4867X
Index No. 22477/05

Ibrahim S. Gotey, et al.,

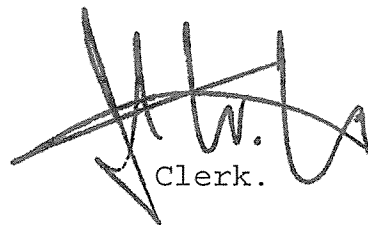
Defendants-Appellants.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 8, 2008, 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 28, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

Margaret Ditmars,

Plaintiff-Respondent,

-against-

M-4868X

Index No. 115880/01

Mount Sinai Hospital, et al.,

Defendants,

1200 Fifth Associates, LLC,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 7, 2008 (mot. seq. no. 009),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 8, 2008, 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 28, 2008.

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

-----X

Asuncion Ochoa,

Plaintiff-Respondent,

-against-

M-4869X

Index No. 14191/06

Walton Management LLC.,

Defendant-Appellant.

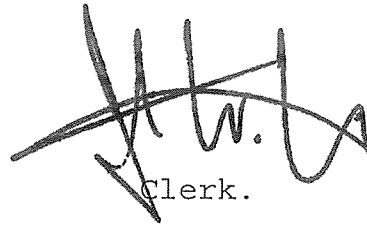
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 20, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 8, 2008, 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 28, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Valdomira Tamboni,

Plaintiff-Respondent,

-against-

M-4870X
Index No. 118025/05

Marsta Taxi Inc.,

Defendant-Appellant,

Luis Martinez,

Defendant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 29, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 8, 2008, 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 28, 2008.

PRESENT: Hon. Jonathan Lippman, 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-4899
Ind. No. 3963/07

Anthony Perkins,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 15, 2008 (M-2969) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 20, 2008, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003, 212-790-0368, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2008.

PRESENT: Hon. Jonathan Lippman, 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-4900
Ind. No. 4080/06

Phillip McKelvey,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 7, 2008 (M-264) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 13, 2007, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003, 212-790-0368, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John T. Buckley
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
In the Matter of A Proceeding for
Support under Article 4 and 5-A
of the Family Court Act,

Commissioner of Social Services
of the City of New York as
Assignee of

Margaret F.,
Petitioner-Respondent,

M-4531
Docket No. F7279/04

-against

Irwin D.,
Respondent-Appellant.

-----X
Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about August 25, 2007,

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 8, 2008 for the February 2009 Term, with no further enlargements to be granted.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John T. Buckley
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Hunts Point Terminal Produce
Cooperative Association, Inc.,
Petitioner-Respondent, M-4405

For a Judgment, etc., Index No. 6647/06

-against-

New York City Economic Development
Corporation, et al.,
Respondents,

New York City Business Integrity
Commission, etc., et al.,
Respondents-Appellants.

-----X

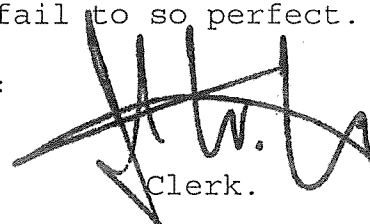
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 3, 2007,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2009 Term, without prejudice to petitioner to move on notice for an order vacating the stay afforded appellants pursuant to CPLR 5519 [a][1] should respondents fail to so perfect.

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 28, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Melvin Brown,

Plaintiff-Respondent,

-against-

M-4633
Index No. 15338/97

The City of New York,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about December 19, 2007,

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 the February 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 October 28, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David B. Saxe
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Grace D.,
Petitioner-Respondent,

-against-

Ralph D.,
Respondent-Appellant.

Michael DeMattio, Esq.,
Law Guardian for the Children/
Law Guardian-Appellant.
-----X

M-4572
M-4512
Docket Nos. V490/04
V491/04
V491/04A
V492/04

Duplicate appeals having been taken to this Court from the amended order of the Supreme Court, Bronx County, Integrated Domestic Violence Part (IDV), entered on or about April 27, 2007,

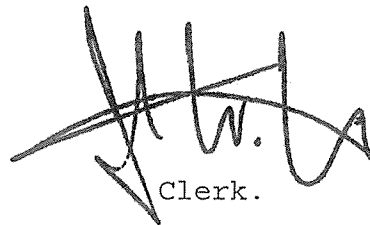
And respondent-appellant father having moved for an enlargement of time in which to perfect his appeal (M-4572),

And petitioner-respondent mother having cross-moved to dismiss the aforesaid appeal (M-4512),

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 respondents-appellant's time in which to perfect his appeal to the February 2009 Term; sua sponte Law Guardian Michael DeMattio, Esq., is directed to file a statement in this Court, within 10 days of this order, indicating whether he is representing the subject children on this appeal. The cross-motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

Sandra Rivera,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-4638
Index No. 113472/07

-against-

New York City Department of
Housing Preservation and
Development, et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 16, 2008, to review a determination of respondents,

And petitioner having moved for an order staying eviction, pending hearing and determination of the aforesaid proceeding,

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 28, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David B. Saxe
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
Joshua M. Prensky,
Plaintiff-Appellant,

-against-

M-4562
Index No. 350433/05

Miriam Prensky,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of divorce of the Supreme Court, New York County, entered on or about December 18, 2007,

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 January 5, 2009 for the March 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 October 28, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Milton W. Williams
Karla Moskowitz
Helen E. Freedman, Justices.

-----X

In the Matter of the Application of

Milagros Luna,
Petitioner,

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

-against-

M-4658
Index No. 401046/08

New York City Department of Housing
Preservation and Development, and
Shaun Donovan as Commissioner of
Housing Preservation and Development,
Respondents,

-and-

Heywood Towers Associates,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 28, 2008 (mot. seq. no. 001), to review Respondents' determination with respect to petitioner's tenancy,

And, respondent Heywood Towers having moved to vacate the stay of the non-payment proceedings commenced by respondent landlord in Civil Court (*Heywood Towers Associates v Luna L & T* Index No. 62256/08) granted by order of a Justice of the Supreme Court, New York County, dated May 12, 2008,

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

It is ordered that the motion is granted unless petitioner perfects the proceeding on or before December 8, 2008 for the February 2009 Term, and upon the further condition that petitioner remain current on tenant's former share of the monthly rent pursuant to the stipulation of the parties dated on or about May 14, 2008 before Judge Chin in Civil Court. Upon failure to so perfect the proceeding, respondent may enter an ex parte order vacating the stay of proceedings in the Civil Court on condition that respondent serves a copy of this order upon petitioner within 10 days of the date of entry hereof. Should petitioner fail to remain current in her rent obligation respondent may move on notice to vacate the stay of eviction proceedings.

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 28, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Milton L. Williams
James M. Catterson
Karla Moskowitz, Justices.

-----X
Carlos Alvarez, et al.,
Plaintiffs-Respondents,

-against-

M-4615 & M-4816
Index No. 8653/06

Ram P. Upadhyay, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 29, 2007, and said appeal having been perfected for the November 2008 Term of this Court,

And defendants-appellants having moved for an order staying trial, pending hearing and determination of the aforesaid appeal (M-4615),

And defendants-appellants having moved to withdraw the aforesaid appeal by stipulation of the parties, dated October 6, 2008 (M-4816),

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

It is ordered that the motion to stay trial is deemed withdrawn and the motion to withdraw the appeal is granted and the appeal is deemed withdrawn, the underlying action having been settled.

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 28, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

Bruce L.,
Petitioner-Respondent,

M-4500
Docket No. F14485/06

-against-

Patricia C.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about May 7, 2008,

And an order of a Justice of this Court, dated June 19, 2008 having granted an interim stay of the aforesaid order of the Family Court, New York County, entered on or about May 7, 2008, on condition that respondent perfect her appeal for the November 2008 Term of this Court,

And an order of this Court having been entered on September 18, 2008 (M-3270), granting appellant poor person relief, the assignment of appellate counsel, and the continuation of the stay granted by order of a Justice of this Court, dated June 19, 2008, pending hearing and determination of the aforesaid appeal,

And petitioner-respondent having moved to vacate the aforesaid stay of the order of the Family Court, New York County, entered on or about May 7, 2008,

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

Ordered that the motion to vacate the stay 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 28, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Milton L. Williams
James M. Catterson
Karla Moskowitz, Justices.

-----X
Estela De Los Santos,

Plaintiff-Respondent,

-against-

M-4539
Index No. 101499/06

4915 Broadway Realty LLC,

Defendant-Appellant.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 11, 2008 (mot seq. No. 002), and said appeal having been perfected,

And defendant-appellant having moved for a stay of 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 28, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Milton L. Williams
James M. Catterson
Karla Moskowitz, Justices.

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

Teresa Perez-Frangie,
Petitioner,

For a Judgment Pursuant to
Article 78 of the CPLR,

M-4654
Index No. 100876/08

-against-

Shaun Donovan, Commissioner,
Department of Housing Preservation
and Development,
Respondent.

- - - - -
Glenn Gardens Associates, L.P.,
Non-Party Landlord.

-----X

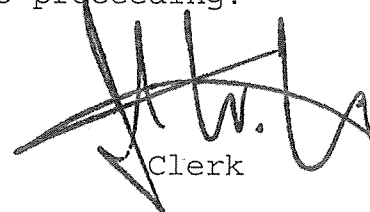
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 13, 2008, to review a determination of respondent,

And petitioner having moved for a stay of eviction, pending hearing and determination of the aforesaid proceeding,

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 continuing the interim relief granted by order of a Justice of this Court, dated September 25, 2008, upon the terms and conditions contained in the aforesaid interim order, pending hearing and determination of the Article 78 proceeding.

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 28, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Milton L. Williams
Helen E. Freedman, Justices.

-----X

In the Matter of the Application of

Gloria Lezzieri,

Plaintiff,

-against-

M-4193

Index. No. 118352/06

Jac Zadrima, et al.,

Defendants.

-----X

Plaintiff having moved for leave to prosecute, as a poor person, the purported appeal from the order of a Justice of the Supreme Court, New York County, dated on or about June 17, 2008, which declined to sign an order to show cause seeking reargument of the order of said Justice dated on or about February 13, 2008 which declined to sign an order to show cause with respect to the dismissal of plaintiff's action 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, and sua sponte, the purported appeal is dismissed as not being taken from an appealable order.

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 28, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

Shamel Smith,

Plaintiff-Appellant,

M-4554

Index No. 109370/04

-against-

The City of New York,

Defendant-Respondent.


-----X

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 September 2, 2008 (mot. seq. no. 005), 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 28, 2008.

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

-----X

Daphne Devonish,

Plaintiff-Respondent,

-against-

M-4627
Index No. 22875/04

Riverbay Corporation,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 26, 2008,

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

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Vanessa M. Corchia, Esq., counsel for defendant-appellant, dated September 26, 2008, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn, the underlying action having been settled.

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 28, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Justin Yuen, an infant by his father
and natural Guardian, William Yuen,
Plaintiff-Appellant,

-against-

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

M-4602
Index No. 107146/05

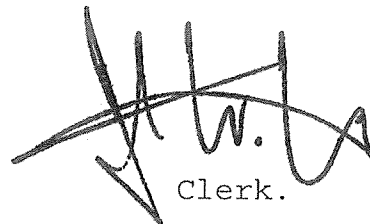
-----X

Plaintiff-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 November 7, 2007 (mot. seq. no. 003),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the February 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 October 28, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Prospect Owners Corp.,

Plaintiff-Respondent,

-against-

M-4552
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

Defendants-appellants 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 December 26, 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 appellants' time in which to perfect the appeal to the March 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 October 28, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz, Justices.

-----X
The People of the State of New York
ex rel. Quintel Gannaway,
Petitioner-Appellant,

-against-

M-4409
Index No. 250757/08

Warden, Rikers Island, et al.,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, entered on or about July 3, 2008, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 10 reproduced copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

Pursuant to Section 35 of the Judiciary Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 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 October 28, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

-against-

M-4450
Ind. No. 5332/02

Emilio Peralta,

Defendant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 8, 2003,

And an order of this Court (M-6390) having been entered January 17, 2008 dismissing the aforesaid appeal,

And defendant having moved pro se for reargument of the aforesaid order of this Court or for reinstatement of the dismissed 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, in all respects, 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 28, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X

Ivan Berkowitz,

Plaintiff-Respondent,

-against-

M-4433

Index No. 103704/06

Fifth Ave Courier Corp., et al.,

Defendants-Appellants.


-----X

Defendants-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 November 23, 2007 (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 March 2009 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 28, 2008.

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

-----X

NYCHA,
Petitioner-Respondent,

-against-

M-4990

Index No. 570617/08

Robert Bradley, et al.,
Respondents-Appellants.

-----X

Respondents having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief declined by a Justice of the Appellate Term of the Supreme Court, First Judicial Department, on or about October 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 denied.

ENTER:


Clerk.

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-4334
NY Co.
Indictment No.
1430/03

-against-

CERTIFICATE
DENYING LEAVE

William Coleman,

Defendant.
-----X

I, David B. Saxe, 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 *August 1*, 2008, is hereby denied.

Dated: New York, New York

Entered: October 28, 2008


Justice of the Appellate Division

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-4655
Bronx Co.
Indictment No.
2443/90

-against-

CERTIFICATE
DENYING LEAVE

Thomas Cross,

Defendant.

-----X

I, David B. Saxe, 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 July 25, 2008, is hereby denied.

Dated: New York, New York

Entered: October 28, 2008


Justice of the Appellate Division

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-4031
Ind. No. 2481/2000

-against-

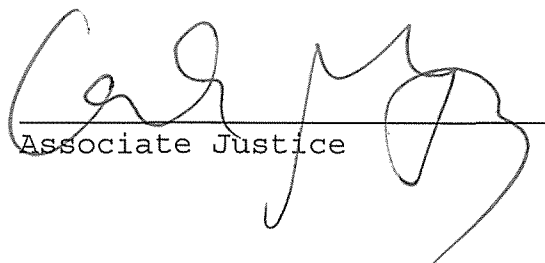
CERTIFICATE
DENYING LEAVE

Vincent Chambers

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 450.15 460.15, 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 July 3, 2008, is hereby denied.


Associate Justice

Dated: October 23, 2008
New York, New York

ENTERED: October 28, 2008

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-4253
Ind. No.7717/1989

-against-

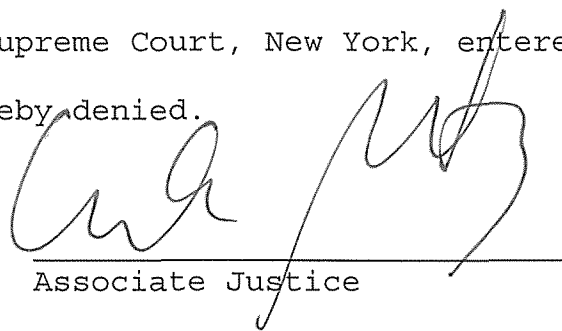
CERTIFICATE
DENYING LEAVE

Martin Baskerville

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 450.15 460.15, 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, entered on or about July 23, 2008, is hereby denied.



Associate Justice

Dated: October 23, 2008
New York, New York

ENTERED: October 28, 2008

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,

-against-

Oscar Sable

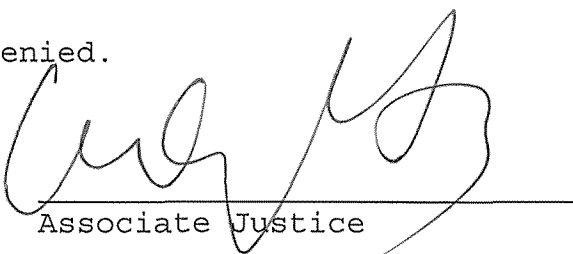
Defendant.

-----X

M-4367
Ind. No. 3463/2003
Ind. No. 5958/2003

ORDER DENYING
LEAVE UPON
REARGUMENT

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed timely made by the above-named defendant for a reargument of the order of a Justice of this Court (M-2922), entered on July 29, 2008, that denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York, entered on or about April 28, 2008, is hereby denied.



Associate Justice

Dated: October 23, 2008
New York, New York

ENTERED: October 28, 2008

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

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

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

M-4749
Ind. No. 3205/06

-against-

CERTIFICATE
GRANTING LEAVE

Celio Verdugo,
Defendant-Appellant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First
Judicial Department, do hereby certify that in the proceedings herein
questions of law or fact are involved which ought to be reviewed by
the Appellate Division, First Judicial Department, and, pursuant to
Section 460.15 of the Criminal Procedure Law, permission is hereby
granted to the above-named defendant to appeal to the Appellate
Division, First Judicial Department, from the order of the Supreme
Court, New York County, entered on or about March 4, 2008.¹

Dated: October 21, 2008
New York, New York

Entered: Oct. 28, 2008



Hon. Rolando T. ACosta
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken,
and this certificate must be filed with the notice of appeal. An
appeal is taken by filing, in the Clerk's office of the criminal court
in which the order sought to be appealed was rendered, a written
notice in duplicate that appellant appeals to the Appellate Division,
First Judicial Department (Section 460.10, subd. 4, CPL); together
with proof that another copy of the notice of appeal has been served
upon opposing counsel. The appeal (or consolidated appeals; see
footnote) must be argued within 120 days from the date of the notice
of appeal, unless the time to perfect the appeal(s) is enlarged by the
court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a
judgment, such appeal shall be consolidated with the appeal from the
aforesaid order; and any poor person relief granted with respect to
the appeal from the judgment shall be extended to cover the appeals so
consolidated.

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 28, 2008.

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

-----X
In the Matter of the Application
of Daniel Hasberry, Luther Dempsey,
Yvette Rivera, Linda Branch and
Marco Viola,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4814
Index No. 405070/06

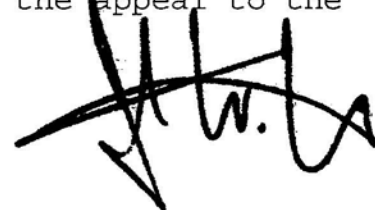
The New York City Department of
Education, Joel Klein, as
Chancellor of The New York
City Department of Education
and Thomas Buses Inc.,
Respondents-Respondents.

-----X
Petitioners-appellants having moved for an enlargement
of time in which to perfect the appeal from a judgment of the
Supreme Court, New York County, entered on or about November 23,
2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent
of enlarging the time in which to perfect the appeal to the
January 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 28, 2008.

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

-----X
Hon. Susan Larabee, et al.,
Plaintiffs-Respondents-Appellants,

-against-

The Governor of the State of New York,
et al.,
Defendants-Appellants-Respondents.

M-4904
M-4941
Index No. 112301/07

The Association of Justices of
the Supreme Court of the State of
New York, et al.,
Amicus Curiae.

The New York County Lawyers' Association,
Amicus Curiae.

-----X

Appeals and cross appeals having been taken from the orders of the Supreme Court, New York County, entered on or about February 7, 2008 (mot. seq. no. 001) and June 11, 2008 (mot. seq. no. 002),

And The Association of Justices of the Supreme Court of the State of New York, The Supreme Court Justices Association of the City of New York, Inc. and The New York State Association of City Court Justices (M-4904) and The New York County Lawyers' Association (M-4941) having moved for leave to file briefs amici curiae in connection with the aforesaid appeals and cross appeals,

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 proposed briefs amici curiae submitted with the moving papers, are deemed filed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2008.

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

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

Dianne Sulker,

Petitioner,

M-4811

Index No. 403552/06

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

-against-

John A. Johnson, etc., et al.,

Respondents.
-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 1, 2007 (mot. seq. no. 001), to review a determination of respondents,

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

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 proceeding to on or before November 10, 2008 for the January 2009 Term.

ENTER:


Clerk.

Order Corrected - October 28, 2008

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 16, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John T. Buckley
John W. Sweeny, Jr., Justices.

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

-against-

M-2445A (DC #35)
M-2567A
Ind. No. 6089/02

Alton Brown,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 5, 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,

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice (M-2445A [DC #35]),

And defendant-appellant by retained counsel having renewed his motion for limited poor person relief (M-2567A),

Now, upon reading and filing the papers with respect to the appellant's motion (M-2567A), and due deliberation having been had thereon, and upon the Court's own motion (M-2445A [DC #35]), it is

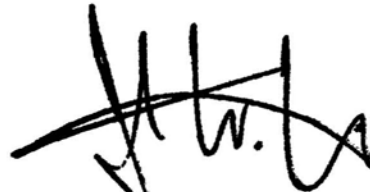
Ordered that the motion for limited poor person relief is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition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

The court reporter shall **expeditiously** 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 Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Fl., New York, New York 10006, Telephone No. (212) 577-2523, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. The order of this Court entered on June 26, 2008 (M-2445 [DC #35]/M-2567) is hereby recalled and vacated.

E N T E R:

A handwritten signature in black ink, appearing to be 'J.W.L.', written over a horizontal line.

Clerk