

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 December 1, 2009.

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

-----X
Adam Emilio Murray, An Infant by his
Mother and Natural Guardian, Maryann
Murray, and Maryann Murray and
Douglas Murray, Individually,
Plaintiffs-Respondents,

-against-

M-5198
Index No. 28156/01

Jack D. Weiler Hospital of the Albert
Einstein College of Medicine, a
Division of Montefiore Medical
Center, Cassandra E. Henderson, M.D.
and "John" Larson, M.D.,
Defendants-Appellants.

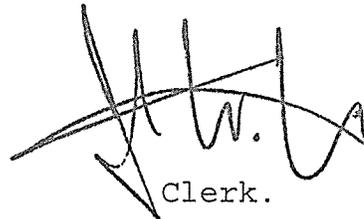
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 20, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated November 12, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2010 Term, is withdrawn in accordance with the aforesaid stipulation.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 December 1, 2009.

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

-----X
Corey Maynard and Margaret Grant,
Plaintiffs-Respondents,

-against-

M-5200
Index No. 101451/07

8 Morningside Avenue/352 West 115th
Street Housing Development Fund
Corporation,
Defendants-Appellants.

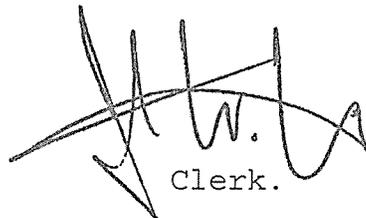
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 18, 2009,

Now, and upon reading and filing the stipulation of the parties hereto, dated November 12, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2010 Term, is withdrawn in accordance with the aforesaid stipulation.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 December 1, 2009.

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

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

Respondent,

-against-

M-5231
Ind. No. 1831/06

Guan Lin,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 28, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated November 10, 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 December 1, 2009.

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

-----X
Doreen Fernandes, as Administratrix
of the Estate of John Fernandes,

Plaintiff-Appellant,

M-4635

M-4698

-against-

Index No. 7845/03

Avraham Henoch, MD, et al.,

Defendants-Respondents.
-----X

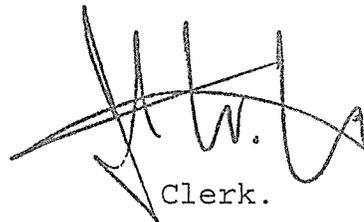
Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 6, 2008 (M-4635),

And defendants-respondents having cross-moved to dismiss the aforesaid appeal (M-4698),

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 denied. The cross 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 December 1, 2009.

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

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

Respondent,

-against-

M-4915
Ind. No. 3947/07

Andre Rivera,

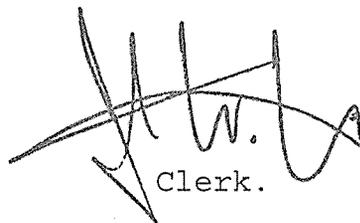
Defendant-Appellant.
-----X

An order of this Court having been entered on December 11, 2008 (M-5371), assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about October 17, 2008,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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 December 1, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

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

-against-

M-4746
Ind. No. 86/05

Maleek Jones, also known as Jermaine
Stroman,
Defendant-Appellant.

-----X

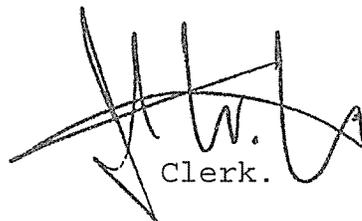
An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 12, 2005,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) and the prior orders of this Court entered on October 1, 2009 (M-3713), April 17, 2008 (M-1339), September 28, 2006 (M-4490) and July 13, 2006 (M-2740), setting forth the terms of defendant's retainer agreement with trial counsel, Patrick J. Brackley, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Nelson S. Roman, Justices.

-----x
Alcon Builders Group, Inc.,
Plaintiff-Respondent/Appellant,

-against-

U.S. Underwriters Insurance Company, M-4601
Defendant-Respondent/Respondent, Index No. 602584/06

-and-

National Union Fire Insurance Company
of Pittsburgh, PA,
Defendant-Appellant.

-----x

Separate appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 3, 2008 (mot. seq. no. 001),

And defendant-appellant National Union Fire Insurance Company of Pittsburgh, PA 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 appeals to the March 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

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

-----X
Kyu Hong Han,

Petitioner-Landlord-Respondent,

-against-

M-4673

Index No. 570467/08

Lovado Adams,

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

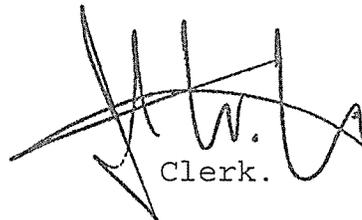
An order of this Court having been entered on September 8, 2009 (M-2873), denying respondent-tenant-appellant leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about April 14, 2009,

And respondent-tenant-appellant having moved for reargument of the aforesaid order of this Court, and for leave to prosecute the appeal as a poor person,

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

Ordered that the motion is 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 December 1, 2009.

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

-----X
Lisa O'Connor,

Plaintiff-Respondent,

-against-

M-4695
Index No. 570441/08

Ragbir Singh and Rigani Trans.,
Inc., also known as Rigani Transit,
Inc.,

Defendants-Appellants,

Daniel J. Lyons,

Defendant.
-----X

Plaintiff-respondent having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 29, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-4747
Ind. No. 6144/06

Roberto Almanzar,

Defendant-Appellant.
-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 16, 2007, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this 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 to the extent of deeming the appeal withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-4717
Ind. No. 349/08

Hector Cruz,
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 December 3, 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,

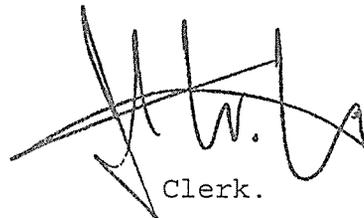
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed 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 December 1, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-4719
Ind. No. 2166/08

Oswaldo Serrata, also known as Jesus
Serrata,
Defendant-Appellant.

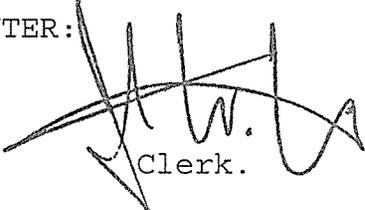
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 30, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to post the \$10,000 cash bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER: 
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----x
In the Matter of

Jared S. and
Monet A. S.,

Children Under 18 Years of Age Alleged
to be Neglected Under Article 10 of
the Family Court Act.

Administration for Children's Services,
Petitioner-Respondent,

M-4795
Docket Nos. NN4549/08
NN4550/08

Monet S.,
Respondent-Appellant.

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

-----x

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 8, 2008, and for assignment of counsel, a free copy of the transcript, an enlargement of time in which to perfect the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the March 2010 Term. The motion, to the extent it seeks poor person relief, is denied, with leave to renew upon submission of an affidavit of indigency in compliance with CPLR 1101(a).

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 December 1, 2009.

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

-----X
Quisequeya Housing Co., LLP,

Petitioner-Landlord-Respondent,

-against-

M-4338
Index No. 570019/09

Teofila De La Cruz,

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

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 31, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
Robin R. Owens,
Plaintiff,

-against-

M-3946
Index No. 14294/05

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

Mainco Elevator & Electrical Corp.,
Defendant-Respondent-Appellant,

Cambridge Security Services Corp.,
Defendant-Respondent.

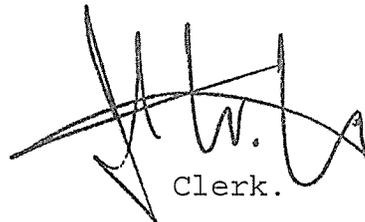
-----X

Defendant-respondent-appellant having moved for reargument of the decision and order of this Court entered on July 28, 2009 (Appeal No. 5231),

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 December 1, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Nelson S. Roman, Justices.

-----X
James Couri,

Plaintiff-Respondent-Appellant,

M-4688
Index No. 107240/04

-against-

John Siebert, et al.,

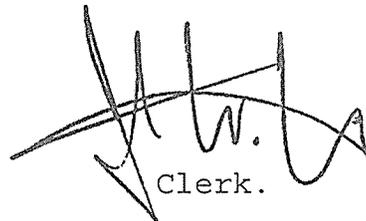
Defendants-Appellants-Respondents.
-----X

Plaintiff-respondent-appellant having moved for reargument of the decision and order of this Court entered on February 28, 2008 (Appeal No. 2522),

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 December 1, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Roman, Justices.

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

Respondent,

-against-

M-4870
Ind. No. 5889/06

Pablo Serrano, also known as Pablo A.
Serrano,

Defendant-Appellant.
-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 24, 2007, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this 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 to the extent of deeming the appeal withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

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

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

-against-

M-4912
Ind. No. 2952/08

Hector Sarcone,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 21, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

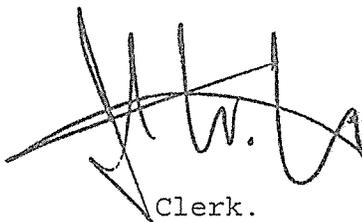
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 December 1, 2009.

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

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

Keenan R., M-4422
Petitioner-Appellant, Docket No. V4118-9/03

-against-

Julie L. and Jerald L.,
Respondents-Respondents.
-----X

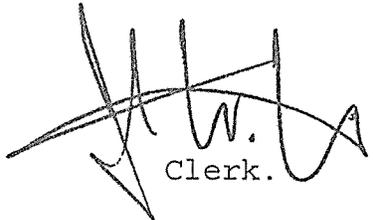
An order of this Court having been entered on September 16, 2008 (M-2640) inter alia, granting petitioner-appellant leave to prosecute as a poor person the appeal from the order of the Family Court, New York County, entered on or about March 21, 2008, and a motion having been made by Eric M. Gansberg retained counsel for the respondents-respondents in Family Court to be relieved on the appeal, for an adjournment of the appeal, and related relief including the granting of poor person relief for respondents,

And law guardian Michelle Roberts, Attorney for the Children having sought an adjournment of the appeal,

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

Ordered that the motion by retained counsel is granted to the extent of relieving counsel to respondents-respondents on the appeal on condition that counsel serve a copy of this order upon all parties within 10 days of the date hereof, and otherwise denied without prejudice to renewal by each respondents upon submission of an affidavit which satisfies the requirements of CPLR 1101. The appeal is adjourned to the February 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on December 1, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Roman, Justices.

-----X
Andrew Miles, As President of
448-450 St. Nicholas Avenue Housing
Development Fund Corporation,
Plaintiff-Appellant,

-against-

M-4969
Index No. 111053/08

Vivian Jones, Susan Starks and
Cindy Benn,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of eviction proceedings in Civil Court, pending hearing and determination of the appeal taken from an order of the Supreme Court, New York County, entered on or about September 2, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

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

-----X

In the Matter of the Application
of Lisa Bishop and Martin Bregman,
Preliminary Executors of the
Estate of Jack E. Maurer,
Petitioners-Respondents,

M-4570
M-4861
Surrogate's Court
File No. 0575-2005

To Recover Certain Property of the
Deceased Claimed to be Withheld,

Rona Maurer,
Objector-Appellant.

-----X

An order of this Court having been entered on September 8, 2009 (M-3382/M-3697), inter alia, enlarging the time of objector-appellant in which to perfect the appeal taken from the order of the Surrogate's Court, New York County, entered on or about December 1, 2008,

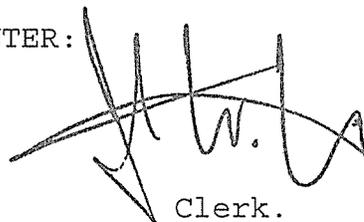
And objector-appellant having moved for a further enlargement of time in which to perfect the aforesaid appeal (M-4570),

And petitioners-respondents having cross-moved for the vacatur of the stay afforded objector-appellant by Surrogate's Court pending hearing and determination of a motion for reargument presently sub judice in said Court, and for other relief (M-4861),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2010 Term. The cross motion is denied.

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----x
Maninder Bhugra,
Plaintiff-Appellant-Respondent,

-against-

M-4627
M-4738
Index No. 110825/07

Massachusetts Casualty Insurance Company,
et al.,
Defendants-Respondents,

Disability Management Services,
Defendant-Respondent-Appellant.

-----x

Appeals having been taken to this Court by plaintiff from the orders of the Supreme Court, New York County, entered on or about October 17, 2008 and December 11, 2008, respectively,

And defendant Disability Management Services having taken a cross appeal from the aforesaid order of Supreme Court, New York County,

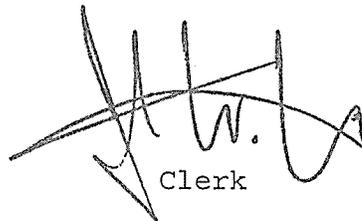
And plaintiff-appellant-respondent having moved for an enlargement of time in which to perfect the direct appeals (M-4627),

And defendant-respondent-appellant having cross-moved for an enlargement of time in which to perfect the cross appeal from the order of said Court entered on or about October 17, 2008 (M-4738),

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 and cross motion are granted to the extent of enlarging the time in which to perfect the appeals and cross appeal to the March 2010 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 December 1, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman, Justices.

-----x
Randi Weingarten, as President of the
United Federation of Teachers, Local 2
American Federation of Teachers,
AFL-CIO,
Petitioner-Respondent,

-against-

M-4806
Index No. 104080/08

Board of Education of the City School
District of the City of New York,
Joel Klein, as Chancellor of the City
School District of the City of New
York, and The City of New York,
Respondents-Appellants.

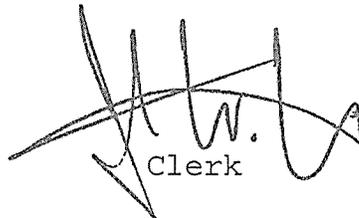
-----x

Respondents-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 December 15, 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 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

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

-----X
In the Matter of the Application of
515 East 5th Street, LLC,
Petitioner-Appellant,

For a Judgment pursuant to Article 78
of the CPLR,

M-4478
Index No. 113745/07

-against-

New York City Board of Standards and
Appeals and the City of New York,
Respondents-Respondents,

-and-

Tenants Association of 515 East 5th St.,
Intervenor-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 20, 2008 (mot. seq. no. 001),

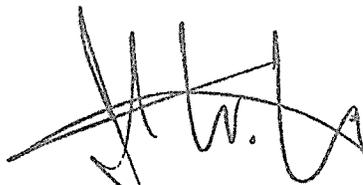
And an order of this Court having been entered November 10, 2009 (M-3999/M-4187) dismissing the aforesaid appeal for failure to timely perfect,

And petitioner 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 denied as academic said appeal having been dismissed by the order of this Court entered on November 10, 2009 (M-3999/M-4187) a copy of which is annexed hereto.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2009.

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

-----x
In the Matter of the Application of
515 East 5th Street, LLC,
Petitioner-Appellant,

For a Judgment pursuant to Article 78
of the CPLR,

M-3999
M-4187
Index No. 113745/07

-against-

New York City Board of Standards and
Appeals and the City of New York,
Respondents-Respondents,

-and-

Tenants Association of 515 East 5th St.,
Intervenor-Respondent.
-----x

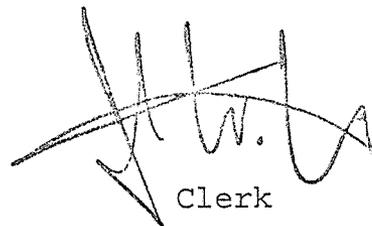
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 20, 2008 (mot. seq. no. 001),

And intervenor-respondent Tenants Association of 515 East 5th St. [M-3999] and municipal respondents [M-4187] having separately moved for dismissal of the aforesaid appeal for failure to timely perfect,

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

It is ordered that the motions are granted and the appeal is dismissed.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4720
Ind. No. 508/09

Miguel Caban,

Defendant-Appellant.

-----X

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Andres Aranda, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4732

Ind. No. 581/09

Angel Delarosa,

Defendant-Appellant.

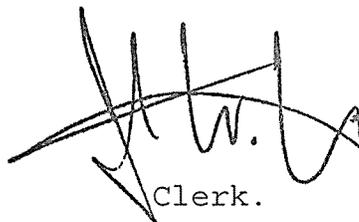
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 22, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Leonard J. Levenson, Esq., and to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
David Friedman
Eugene Nardelli, Justices.

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

Respondent,

-against-

M-2452
Ind. No. 2715/03

Deanie Blake,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on April 24, 2007 (Appeal No. 878), unanimously affirming a judgment of the Supreme Court, Bronx County (Martin Marcus, J.), rendered on March 22, 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 December 1, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeney, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

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

-against-

M-4809
D.C. #1
Ind. No. 3131/03

Jose Aguilar,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about June 30, 2004,

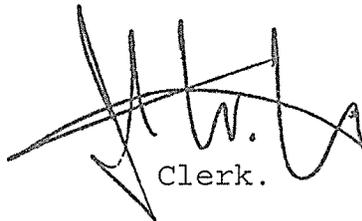
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 29, 2009 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the April 2010 Term and counsel is directed 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 December 1, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeney, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

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

-against-

M-4837
D.C. #17
Case No. 20538C/05

Eddie Irizarri,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about January 24, 2007,

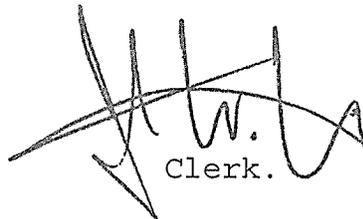
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 29, 2009 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the April 2010 Term and counsel is directed 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 December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

-----x
Andrew Arnold,
Plaintiff-Appellant,

-against-

M-5021
Index No. 260282/08

The New York State Department of Human
Rights, et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 6, 2009,

And plaintiff-appellant having moved for an enlargement of time in order to submit an appendix and corrected appellant's brief in connection with 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 and plaintiff is directed to file an appendix and make corrections to the appellant's brief withing 10 days of the date of entry hereof. Sua sponte, the appeal is adjourned to the February 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----x
Maria Gonzalez and Ricardo Gonzalez,

Plaintiffs-Appellants,

-against-

M-4664
Index No. 22218/06

Praise the Lord Dental, Dr. Jacinto
Martinez and Dr. Sandra Aguilar,

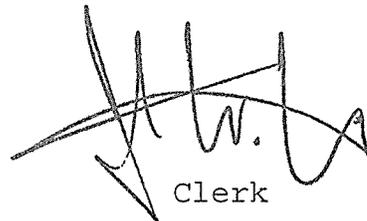
Defendants-Respondents.
-----x

Plaintiffs having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 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 the time in which to perfect the appeal to the March 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Chelsea Billiards Inc.,

Plaintiff-Appellant,

-against-

M-4760
Index No. 603053/08

New York Billiards Corp. and
Aristotle Hatzigeorgiou, Individually,

Defendants-Respondents.
-----X

Plaintiff-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 December 29, 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 March 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----x
Nadia Jamal Eddine,
Plaintiff,

-against-

Federated Department Stores, Inc.,
et al.,
Defendants.

M-4775
Index No. 114188/05

Federated Department Stores, Inc.,
et al.,
Third-Party Plaintiffs-Respondents,

-against-

Richemont North America, Inc.,
Third-Party Defendant-Appellant.

-----x

Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about June 17, 2008 (mot. seq. no. 002) and January 16, 2009 (mot. seq. no. 003), respectively,

And third-party defendant having moved for an enlargement of time in which to perfect the appeals,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----x
The Board of Managers of Suffolk Homes
Condominium, on behalf of Unit Owners,
Plaintiff-Appellant-Respondent,

-against-

M-4854
Index No. 110294/08

Cheri Cheng,
Defendant-Respondent-Appellant,

-and-

"J. Doe No. 1 Through #3", etc.,
Defendants.

-----x
An appeal and cross appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 16, 2008,

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

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

It is ordered that the motion is granted to the extent of enlarging the time of the parties in which to perfect the appeal and cross appeal to the March 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----x
Hae Mook Chung, also known as Hae
Mook Zhung,
Plaintiff-Respondent,

-against-

Maxam Properties, LLC, and D-2
Properties, LLC,
Defendants-Appellants,

M-4862
Index No. 115343/06

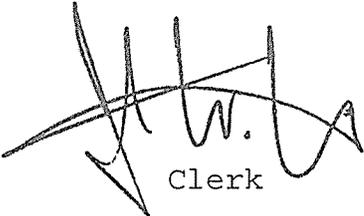
Diane H. Zhung, Min Jung Kwak and
"John Kwak",
Additional Defendants on
Counterclaims.

-----x
Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about January 5, 2009,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. Catterson
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-3624
Ind. No. 7483/03

Kevin Dozier,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 29, 2008 (Appeal No. 3503), unanimously affirming a judgment of the Supreme Court, New York County (Edwin Torres, J.), rendered on February 21, 2006,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Arlene Bascom,
Plaintiff-Respondent,

-against-

Lawrence P. Bascom,
Defendant-Appellant.

M-4458
Index No. 350035/09

-----X

Defendant-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about September 16, 2009, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

Jacquelyn E. Jackson,
Petitioner-Appellant,

-against-

M-5120
Index No. 407225/07

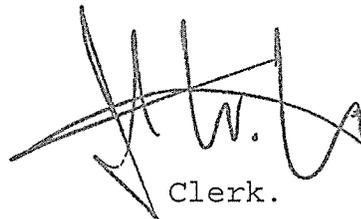
N.Y.S. Division of Human Rights
and Retail Brand Alliance, Inc.,
Respondents-Respondents.
-----X

Petitioner having moved for a stay of proceedings including execution of judgment in the matter captioned *Peconic Bay Medical Center v Jacquelyn E. Jackson also known as Jacquelyn Elaine Reed* (Nassau Co. Index No. 19511/07) pending hearing and determination of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 8, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is denied.

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 December 1, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Harold Halle, doing business as Halle
Realty Co.,

Petitioner-Landlord-Respondent,

M-4804
Index No. 570442/07

-against-

Saboor H. AbdulJaami,

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

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about August 17, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. David Friedman, Justice Presiding,
James M. McGuire
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
Margo Crespin,

Plaintiff-Respondent,

-against-

M-4529
Index No. 121404/03

Reebok Sports Club/NY,

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 June 19, 2008,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. David Friedman, Justice Presiding,
James M. McGuire
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
Kim Wickers,

Plaintiff-Appellant,

-against-

M-4815
Index No. 312286/07

David Shapiro,

Defendant-Respondent.
-----x

Plaintiff-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 January 13, 2009 (mot. seq. no. 001),

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2009.

Present - Hon. David Friedman, Justice Presiding,
James M. McGuire
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
Sandra Delgado, etc., et al.,
Plaintiffs-Respondents,

-against-

M-4974
Index No. 14684/95

The City of New York and New York
City Police Department,
Defendants-Appellants,

New York City Housing Authority, New
York City Housing Police Department
and Nicholas Witkowitch,
Defendants-Appellants,

Brian Washington and Brian Masiello,
Defendants-Appellants.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 13, 2008,

And defendants-appellants New York City Housing Authority and Nicholas Witkowitch having moved for an enlargement of time of the respective appellants in which to perfect the appeals, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time of the parties in which to perfect the appeals to on or before February 1, 2010 for the April 2010 Term, with leave to seek a further enlargement, if necessary.

ENTER:


Clerk

PM ORDERS

ENTERED

NOVEMBER 24, 2009

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 24, 2009.

Present - Hon. Peter Tom, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
Fortress Credit Corp., etc., et al.,
Plaintiffs-Respondents,

-against-

M-4967
Index No. 601579/08

Hudson Yards LLC, et al., etc.,
Defendants,

-and-

Baruch Singer,
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 September 18, 2009,

And defendant-appellant Baruch Singer having moved for a stay of the aforesaid order which, inter alia, directed him to appear for examination with certain documents, pending hearing and determination of the aforesaid appeal, and for related relief,

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

It is ordered that the motion is denied.

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 November 24, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. McGuire
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Jekyll and Hyde Club New York, LLC,
Petitioner,

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

M-5262
Index No. 115411/09

-against-

Environmental Control Board of the
City of New York and Department of
Environmental Protection of the City
of New York,
Respondents.

-----X

Petitioner having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about November 16, 2009 (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 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 November 24, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. McGuire
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Dragisa Jovicevic,
Plaintiff-Respondent,

-against-

M-5205
Index No. 108337/06

Structure Tone, Inc., Donnelly
Mechanical Corp. and Latham & Watkins,
LLP,
Defendants-Appellants.

-----X

Defendants having moved for a stay of trial pending hearing and determination of the appeal taken from the orders of the Supreme Court, New York County, entered on or about March 4, 2009 (mot. seq. no. 004) and March 9, 2009 (mot. seq. no. 005), respectively, 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 November 24, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman, Justices.

-----X
Sumintra Raghu,
Plaintiff-Respondent,

-against-

New York City Housing Authority,
Defendant-Appellant.

M-4975
M-5062
Index No. 115837/07

-----X

Defendant-appellant having moved for a stay of the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 25, 2009 (M-4975),

And plaintiff-respondent having cross-moved for an order enlarging the record on appeal to include certain documents (M-5062),

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

It is ordered that the motion is granted to the extent of staying the trial (M-4975). The cross motion to enlarge the record on appeal is denied (M-5062).

ENTER:


Clerk.