

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

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

-----X

Nemard Construction Corp.,

Plaintiff-Appellant,

-against-

M-512X  
Index No. 21814/04

Vicky Deafeamkpor,

Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 29, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk

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

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

-----X  
Joanne Lin, et al.,  
Plaintiffs-Respondents,

-against-

M-513X  
Index No. 16740/06

Kahil Mitwally,  
Defendant-Appellant,

-and-

Metropolitan Medical, P.C.,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 12, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 28, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

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

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

-----X

Alfonso Figueroa,

Plaintiff-Appellant,

-against-

M-516X  
Index No. 20202/07

Vincent A. Cavallo, et al.,

Defendants-Respondents.

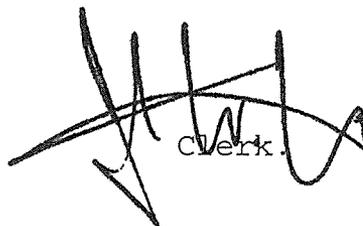
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 13, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 29, 2009, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

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

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

-----X  
Maciej Wasyl,  
Plaintiff,

-against-

M-530X

Emanuel African Methodist Episcopal  
Church of New York Annual  
Conference,  
Defendant,

Index No. 100751/05

-and-

Emanuel A.M.E. Church, et al.,  
Defendants.

-----  
Emanuel African Methodist Episcopal  
Church of New York Annual  
Conference,  
Third-Party Plaintiff-Appellant,

-against-

Index No. 590516/06

Maloy Restoration Corp.,  
Third-Party Defendant-Respondent,

-and-

A.P.A. Restoration Corp.,  
Third-Party Defendant-Respondent,

American Empire Surplus Lines,  
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 5, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 2, 2009, and due deliberation having been had thereon,

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

ENTER:



Clerk.

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

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

-----X  
Antonio Goncalves,  
Plaintiff-Appellant,

-against-

O & G Industries, Inc.,  
Defendant-Respondent,

M-188  
Index No. 104295/04

-and-

Terri B. Wein, et al.,  
Defendants.

-----  
(And other actions)  
-----X

Defendant-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about February 26, 2008,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated January 16, 2009 from Richard S. Vecchio, Esq., of Worby Groner Edelman, LLP, counsel for plaintiff-appellant, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn in accordance with the aforesaid correspondence.

ENTER:

  
Clerk

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

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

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

-against-

Gilbert Carandang,  
Defendant-Appellant.

M-83  
Ind. Nos. 2554/05  
6526/07

-----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 October 1, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

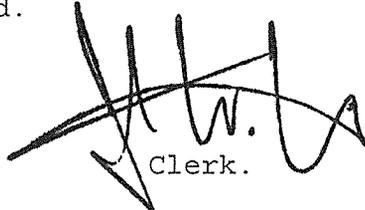
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

E N T E R:

  
Clerk.

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

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

-----X  
Marie Sander,  
Plaintiff-Appellant,

-against-

M-5880  
Index No. 113466/05

J.P. Morgan Chase Home Mortgage,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 13, 2008 (Appeal No. 4550),

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

Ordered that the motion is denied.

E N T E R:

  
Clerk.

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

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X  
Senarh, S.A.,  
Plaintiff-Respondent-Appellant,

-against-

M-5188A  
Index No. 602387/06

Paul Morgan,  
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 March 27, 2008, and the resulting judgment of said Court entered on or about June 10, 2008 (mot. seq. no. 002),

And defendant having moved to dismiss plaintiff's cross appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated October 31, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is withdrawn in accordance with the aforesaid stipulation. (The order of this Court entered on January 27, 2009 [M-5188] is herewith recalled and vacated).

ENTER:

  
Clerk.

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

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

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

-against-

M-99  
Ind. No. 4618/04

Kevin Pozo,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Charles Tejada, J.) entered on or about November 19, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for 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 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 District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Tejada as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., 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.

E N T E R:

  
Clerk.

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

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

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

-against-

M-73  
Ind. No. 6307/07

Carlos Hernandez,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 26, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

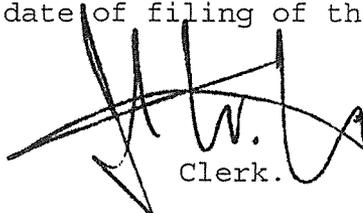
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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, Tel. No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:

  
Clerk.

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

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

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

-against-

Pedro Escobar,  
Defendant-Appellant.

M-76  
Ind. Nos. 2524/07  
4646/07

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 9, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

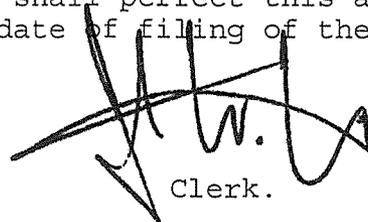
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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, Tel. No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:

  
Clerk.

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

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

-----X  
In the Matter of the Petition of  
Jerome M. Weinraub, etc.,

M-6178  
Index No. 2095/06

Bettina R. Weinraub, Deceased,

Under an Agreement dated  
December 20, 1976, etc.

-----X  
Jerome M. Weinraub,  
Petitioner-Respondent,

-against-

Sidney Mandell,  
Respondent-Appellant.

-----X

Respondent-appellant Sidney Mandell having moved for an enlargement of time in which to perfect the appeal from a decree of the Surrogate's Court, New York County, entered on or about February 25, 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 June 2009 Term.

ENTER:

  
Clerk.

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

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz, Justices.

-----X

Hugh Gallagher, et al.,  
Plaintiffs-Appellants-Appellants,

-against-

M-5699  
Index No. 400957/05

The New York Post, et al.,  
Defendants-Respondents-Respondents.

- - - - -  
NYP Holdings, Inc.,  
Third-Party Plaintiff-Respondent-  
Appellant,

-against-

Index No. 591164/06

Francis A. Lee Co.,  
Third-Party Defendant-Appellant-  
Respondent.

-----X

Plaintiffs-appellants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 30, 2008 (Appeal Nos. 3129-3130),

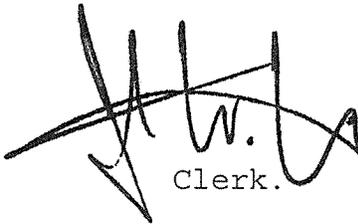
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which modified  
the order of the Supreme Court, properly made?"

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

ENTER:

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

Clerk.

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

PRESENT - Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Nella Manko,  
Plaintiff-Appellant,

-against-

M-5911  
Index No. 113306/06

Dana Mannor, et al.,  
Defendants-Respondents,

"Anesthesiologist" (a fictitious  
name), et al.,  
Defendants.

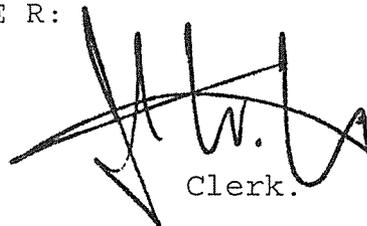
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 28, 2008 (Appeal No. 4425),

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

Ordered that the motion is denied.

E N T E R:

  
Clerk.

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

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

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

-against- M-211  
Ind. No. 5409/04

Isual Jiminez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (John Cataldo, J.) entered on or about December 18, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

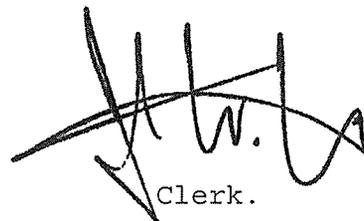
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of 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 District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice John Cataldo as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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.

ENTER:



Clerk.

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

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Christina Mitselos,  
Plaintiff-Appellant,

-against-

M-5626  
Index No. 15119/03

The City of New York and  
Giles Associates LLC.,  
Defendants-Respondents.

-----X

Defendant-respondent Giles Associates LLC. having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 8, 2008,

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

Ordered that the motion is denied with leave to renew. The matter is referred to the Referee's office of the Supreme Court, New York County, for a traverse hearing with respect to the issue of service and/or receipt of the order with notice of entry from which the appeal was taken, with leave to the respective parties to move in this Court to confirm or disaffirm the report of the referee.

E N T E R:

  
Clerk.

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

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

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

-against-

M-5621A  
Ind. No. 83/08

Jose Pinero-Baez,  
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 July 16, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

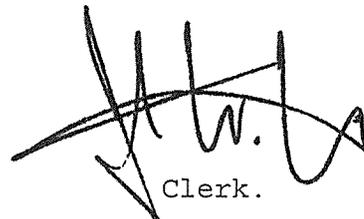
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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. The order of this Court entered on January 20, 2009 (M-5621) is hereby recalled and vacated.

ENTER:

  
Clerk.

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

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

-----X  
Cathy Migliaccio, et al.,  
Plaintiffs-Appellants,

-against-

M-6026  
Index No. 116916/05

Fatmir Miruku,  
Defendant-Respondent.

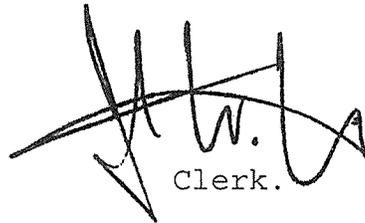
-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on November 25, 2008 (Appeal No. 4672),

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

It is ordered that the motion is denied.

E N T E R:

  
Clerk.

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

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

-----x  
Susan Rowley,

Plaintiff-Respondent,

-against-

M-208  
Index No. 301471/06

Mark J. Amrhein,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about March 12, 2008,

And plaintiff-respondent having moved for dismissal of the appeal or, in the alternative, for adjournment of the appeal,

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

It is ordered that the motion is granted to the extent of deeming the appeal perfected for the March 2009 Term, and adjourning said appeal to the April 2009 Term.

ENTER:

  
Clerk

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

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

-----X

Lucia Ortiz,  
Plaintiff-Respondent,

-against-

M-194  
Index No. 23291/03

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

JSMS Corporation,  
Defendant-Appellant,

Abaco Management Corp.,  
Defendant-Appellant.

-----X

An appeal having been taken by defendant JSMS Corporation from the order of the Supreme Court, Bronx County, entered on or about June 26, 2008, denying its motion for summary judgment herein,

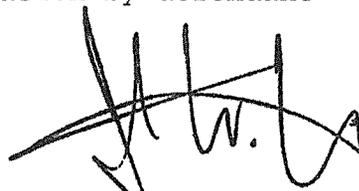
And defendant Abaco Management Corp. having taken an appeal from a separate order of said Court entered on or about June 26, 2008 inter alia denying its motion for summary judgment herein,

And defendant-appellant JSMS having moved for an order staying the trial, pending hearing and determination of the aforesaid appeal; and defendant-appellant Abaco Management Corp., having joined in said application and for related relief with respect to its 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 staying trial herein, pending hearing and determination of the aforesaid appeal taken by JSMS. The application by defendant-appellant Abaco is denied.

ENTER:



Clerk.

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

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

-----X

Hector Nunez,

Plaintiff-Respondent,

-against-

M-157

Index No. 24664/06

Luis R. Zhagui,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 8, 2008,

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

It is ordered that the motion is granted.

ENTER:

  
Clerk.

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

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John T. Buckley  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

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

-against-

M-90  
Ind. No. 4139/06

Starlin Nunez,  
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 January 30, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



clerk.

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

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

-----X

Ernest Poree,  
Plaintiff-Appellant,

-against-

M-5460  
Index No. 17979/05

Gregory Bynum,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on November 6, 2008 (Appeal Nos. 4478-4478A),

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

It is ordered that the motion is denied.

E N T E R:

  
Clerk.

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

Present - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----x  
Zahid J. Ullah,  
Plaintiff-Respondent,

-against-

M-35  
Index No. 301223/00

Farrin B. Ullah,  
Defendant-Appellant.  
-----x

An order of this Court having been entered on December 4, 2008 (M-5357), inter alia, denying defendant-appellant's motion for leave to prosecute the appeal from the order of the Supreme Court, New York County, entered on or about October 22, 2008, as a poor person,

And defendant-appellant having renewed his motion for poor person relief and related relief,

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

Ordered that the motion to the extent it seeks poor person relief is granted, 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 for respondent and file 10 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. Appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts. The motion to the extent it seeks a stay is denied, without prejudice to movant seeking other remedies in the plenary action.

E N T E R:

  
Clerk

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

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Anna Pezhman,  
Plaintiff-Appellant,

-against-

M-6123  
Index No. 6889/05

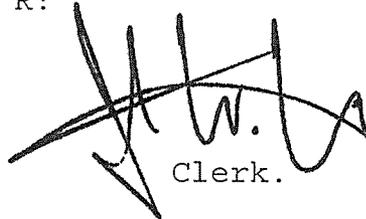
The City of New York, et al. ,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 16, 2008 (Appeal No. 4843N),

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

Ordered that the motion is denied.

E N T E R:

  
Clerk.

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

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Sloan Giampa,  
Plaintiff-Appellant,

-against-

M-100  
Index No. 104070/04

Marvin L. Shelton, M.D., et al.,  
Defendants-Respondents.

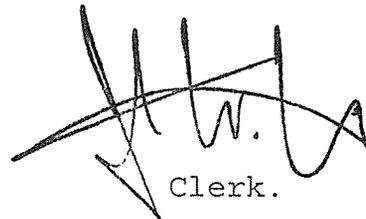
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeals taken from the order of the Supreme Court, New York County, entered on or about April 29, 2008 (mot. seq. no. 007) and from the judgment of said Court entered on or about May 29, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeals to the September 2009 Term.

E N T E R:

  
Clerk.

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

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Mahmoud Mozaffari,  
Petitioner,

-against-

M-40  
M-288  
Index No. 300666/08

The New York State Division of  
Human Rights,  
Cross-Petitioner,

Patricia Shatz,  
Intervenor Respondent.

-----X

A petition and cross-petition having been transferred to this Court pursuant by order of the Supreme Court, Bronx County, entered on or about March 13, 2008, to review a determination of respondent, the New York State Division of Human Rights,

And Patricia Shatz having moved for leave to intervene as additional respondent and/or for dismissal of the aforesaid proceeding (M-40),

And the New York State Division of Human Rights having cross-moved for an enlargement of time in which to perfect the proceeding as cross-petitioner,

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 granting Patricia Shatz intervenor status in this proceeding and the motion is otherwise denied. The cross motion is granted to the extent enlarging the time of cross-petitioner the New York State Division of Human Rights in which to perfect the proceeding to the June 2009 Term as is the time of petitioner Mahmoud Mozaffari in which to serve and file his brief.

E N T E R:

  
Clerk.

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

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

-----x

Barrett Japaning, Inc.,  
Plaintiff-Respondent/Respondent-  
Appellant,

-against-

M-186

M-319

Index No. 102165/06

Anna Bialobroda,  
Defendant-Appellant/Appellant-  
Respondent,

Sebastien Klotz, et al.,  
Defendants.

-----x

Appeals having been taken by defendant from the orders of the Supreme Court, New York County, entered on or about October 30, 2006 and March 27, 2008, and an appeal and cross appeal having been taken from the judgment of said Court entered on or about June 6, 2008, respectively,

And defendant Anna Bialobroda having moved for consolidation of the aforesaid appeals and for an enlargement of time in which to perfect same,

And plaintiff having cross-moved for an order directing the expeditious perfection of the aforesaid appeals,

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 permitting the appeals and cross appeal to be prosecuted upon 10 copies of one joint record on appeal and one set of the respective parties' points. Defendant is directed to perfect the direct appeal(s) on or before March 23, 2009 for the

June 2009 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:



Clerk.

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

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

-----X  
Cindy Ocasio-Gary, Individually and  
as Administratrix of the Estate of  
Autumn Gary, Deceased,  
Plaintiff-Appellant,

-against-

M-263  
Index No. 6229/99

St. Barnabas Hospital,  
Defendant-Respondent,

-against-

Lawrence Hospital, et al.,  
Defendants.

-----X  
(And a third-party action)  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment of the Supreme Court, Bronx County, entered on or about April 18, 2008 and April 29, 2008, respectively,

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

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

ENTER:

  
Clerk.

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

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

-----X  
Eugeniuz Minorczyk, et al.,  
Plaintiffs-Respondents,

-against-

M-423

Index No. 102928/04

Dormitory Authority of the State  
of New York,  
Defendant-Appellant,

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

-----X  
City of New York, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Inter Connection Electric, Inc.,  
Third-Party Defendant-Respondent.

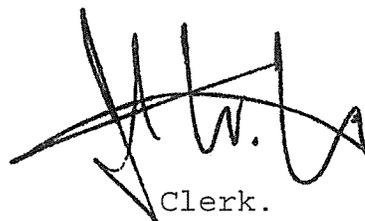
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about April 3, 2008 (mot. seq. no. 005) and April 30, 2008 (mot. seq. no. 005),

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 September 2009 Term.

ENTER:

  
Clerk.

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

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Helen E. Freedman, Justices.

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

-against-

Devon Ayers, M-5991  
Defendant-Appellant. Ind. No. 1086/95

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

-against-

Michael Cosme,  
Defendant-Appellant.

-----X

A decision and order of this Court entered on October 24, 2000 (Appeal Nos. 2049 and 2050),

And defendant-appellant Devon Ayers having moved for reargument of the decision and order of this Court (Appeal No. 2049), based upon the decision and order of this Court *People v Vasquez*, 43 AD3d 348 [2007] [Appeal Nos. 1132-1133],

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

It is ordered that the motion is denied.

E N T E R:

  
Clerk.

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

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

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

-against-

M-142  
Ind. No. 235/00

Chris Green,  
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 May 2, 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,

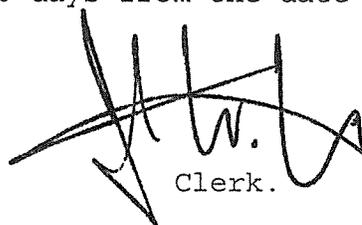
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk.

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

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

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

Respondent,

-against-

M-114  
Ind. No. 6653/06

Anthony Collingwood,

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 December 18, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 post the \$5,000 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 February 10, 2009.

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

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

Respondent,

-against-

M-113  
Ind. No. 4944/07

Leonel Cerda,

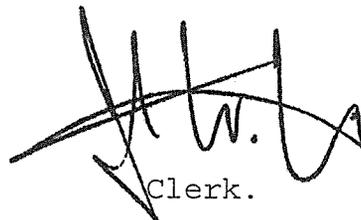
Defendant-Appellant.  
-----X

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 December 15, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 post the \$15,000 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 February 10, 2009.

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

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

-against- M-80  
Ind. No. 6548/05

Rafael Rodriguez,  
Defendant-Appellant.  
-----X

An order of this Court having been entered on January 8, 2008 (M-6350) 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 November 13, 2007,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, 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 February 10, 2009.

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

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

-against-

M-126  
Ind. No. 8335/02

Dorom Yomtov,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Emily Jane Goodman, J.) entered on or about December 18, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

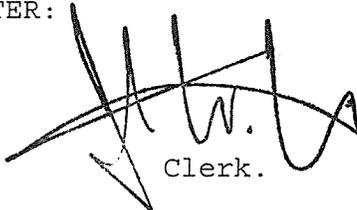
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of 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 District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Goodman as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
Clerk.

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

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

-----X  
Carmen Valdez, Individually and as  
mother and natural guardian of  
Cesar Marti and Ariel Marti,  
Plaintiffs-Respondents,

-against-

M-86  
Index No. 16507/97

The City of New York and Jose Torres,  
Defendants-Appellants.  
-----X

Municipal-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 14, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the June 2009 Term.

E N T E R:

  
Clerk.

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

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

-----X  
Polusz Construction Corp.,  
Plaintiff-Appellant,

-against-

M-309  
Index No. 101307/07

Northeast Stucco Systems NY, Inc.,  
Northeast Stucco Systems, Inc.,  
Piotr Holowiak,  
Defendants-Respondents.

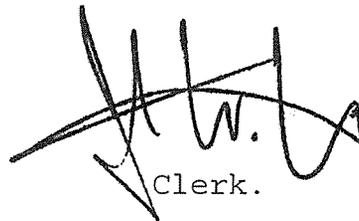
-----X

Plaintiff-appellant 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 April 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 is granted to the extent of enlarging the time in which to perfect the appeal to on or before March 23, 2009 for the June 2009 Term.

ENTER:

  
Clerk.

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

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

-----X  
In the Matter of the Proceeding to  
Probate the Will of

Abbas Mehdi Khazaneh,  
Deceased,

Amir Ali Mehdi Khazaneh,  
Petitioner-Respondent,

Kaveh Mehdi Khazaneh,  
Objectant-Appellant.

M-79  
Surrogate's Court  
File No. 3838/01

-----X  
Objectant-appellant having moved for an enlargement of time in which to perfect the appeal from the decree of the Surrogate's Court, New York County, entered on or about January 24, 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 the September 2009 Term.

ENTER:

  
Clerk.

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

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

-----X  
Arlene Lado and Hector Niz,  
Plaintiffs,

-against-

M-37  
Index No. 16625/04

Sylvia Wardaszka and Chase Manhattan  
Auto Finance Corp.,  
Defendants.

-----X  
Robert V. Kaminsky, LLC,  
Non-Party Appellant-Respondent,

-against-

Fink & Platz,  
Non-Party Respondent-Appellant.  
-----X

Non-party appellant Robert Kaminsky, outgoing attorney for plaintiff, having moved for an enlargement of time of the parties in which to perfect the appeal and cross appeal from the order of the Supreme Court, Bronx County, entered on or about March 11, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the June 2009 Term. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

ENTER:

  
Clerk.

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

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

-----X  
Christopher Spierer and Marion Spierer,  
Plaintiffs-Appellants,

-against-

Bloomingtondale's, et al.,  
Defendants,

M-316  
Index No. 8024/87

-and-

Simmons, USA,  
Defendant-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 3, 2008,

And plaintiffs-appellants having moved for recusal of Hon. Luis A. Gonzalez from review of the aforesaid appeal upon the grounds of a potential conflict of interest,

And the appeal having been heard on January 27, 2009 (Appeal No. 5271),

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. (See M-316A, decided simultaneously herewith.)

Dated: February 2, 2009

  
Luis A. Gonzalez

Entered: **FEB 10 2009**

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

BEFORE: Hon. James M. Catterson  
Justice of the Appellate Division

-----X  
Christopher Spierer and Marion Spierer,  
Plaintiffs-Appellants,

-against-

Bloomingtondale's, et al.,  
Defendants,

M-316A  
Index No. 8024/87

-and-

Simmons, USA,  
Defendant-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 3, 2008,

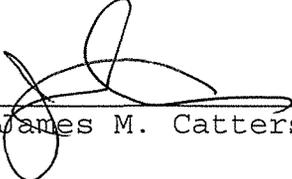
And plaintiffs-appellants having moved for recusal of Hon. James M. Catterson from review of the aforesaid appeal upon the grounds of a potential conflict of interest,

And the appeal having been heard on January 27, 2009 (Appeal No. 5271),

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. (See M-316, decided simultaneously herewith.)

Dated: February 2, 2009

  
\_\_\_\_\_  
James M. Catterson

Entered: FEB 10 2009

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

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

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The People of the State of New York,

M-222  
Ind. No. 1397/05

-against-

CERTIFICATE  
DENYING LEAVE

Carlos Barrientos, Defendant.  
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I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 10, 2008, is hereby denied.

Dated: New York, New York  
February 2, 2009



**ENTERED**

**FEB 10 2009**

\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division