

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 January 8, 2009.

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

-----X
Globecon Group, LLC,
Plaintiff-Appellant,

-against-

M-5874X
Index No. 600956/07

Norman Joyce, also known as
Chip Joyce, Terrapinn, Inc.,
and Terrapinn Financial Training,
Defendants-Respondents.

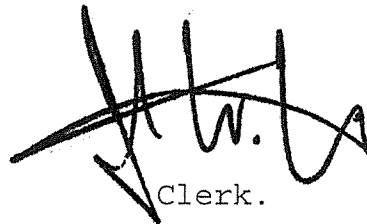
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 5, 2007 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 10, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 8, 2009.

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

-----X
Sarah Gromko,
Plaintiff-Respondent,

-against-

M-5875X
Index No. 105640/07

Robert Berezin,
Defendant-Appellant,

Robert Lewis,
Defendant-Appellant.

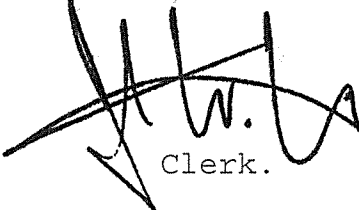
-----X

Separate appeals having been taken from the respective orders of the Supreme Court, New York County, both entered on or about March 24, 2008 (mot. seq. nos. 001 and 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 10, 2008, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 8, 2009.

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

-----X
Pirate Capital, LLC and
Thomas R. Hudson, Jr.,
Petitioners-Appellants,

-against-

M-5883
Index No. 105739/08

Holly Bolotin,
Respondent-Respondent.

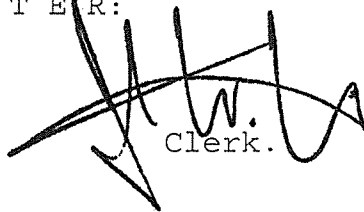
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 27, 2008 (mot. seq. nos. 001 and 002),

Now, upon reading and filing the stipulation of the parties hereto, dated December 10, 2008, and due deliberation having been had thereon, it is

Ordered that the appeal, previously perfected for the January 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 8, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
John T. Buckley
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Christine Maldonado, Individually and
Amanda Marie Rodriguez, an infant by
her mother and natural guardian
Christine Maldonado,
Plaintiffs-Appellants,

-against-

M-5220
Index No. 15112/06

Hunts Point Cooperative Market, Inc.,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 12, 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 and the appeal is dismissed.

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 January 8, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
Graham Packaging Company, L.P.,

Plaintiff-Respondent,

-against-

Owens-Illinois, Inc., et al.,

Defendants-Appellants.
-----X

M-5737
Index No. 603831/06

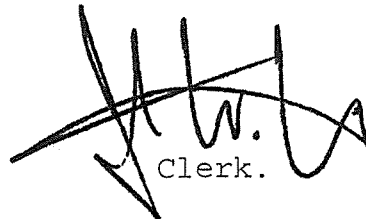
An appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about October 25, 2007 and February 20, 2008, respectively,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 January 8, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Helen E. Freedman, Justices.

-----X

In the Matter of the Application of

Yolonda Strong,

Petitioner-Respondent,

-against-

M-5697

Index No. 406141/07

The New York City Department of Education,

Respondent-Appellant.

-----X

Petitioner-respondent having moved for an order dismissing respondent-appellant's appeal taken from the orders of the Supreme Court, New York County, entered on or about March 3, 2008 and August 19, 2008 (mot. seq. no. 004), 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 to dismiss the appeal is granted unless the appeal is perfected for the May 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellant within 10 days after the date of entry hereof.

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 January 8, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-5673

Ind. No. 1078/07

Terrence Heyward,

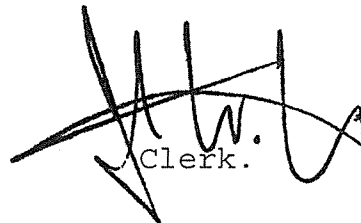
Defendant-Appellant.
-----X

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 October 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 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, Harold Ehrentreu, 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 January 8, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5610
Ind. No. 571/02

Abdul Rauf,

Defendant-Appellant.

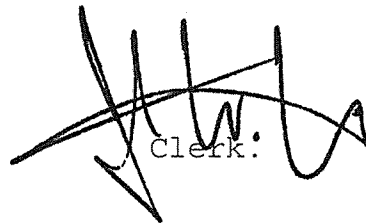
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Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 15, 2004,

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 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 January 8, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley, Justices.

-----X
Estate of William H. Bailey, Jr.,
also known as William Bailey, by
his Administratrix Stella Bailey,

Plaintiff-Appellant,

-against-

Sheryl Migdol, et al.,

Defendants-Respondents.
-----X

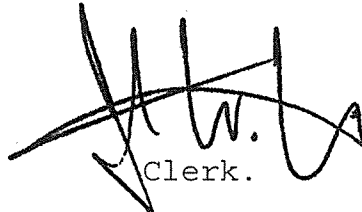
M-5440
Index No. 100745/07

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 October 3, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 23, 2009 for the May 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 January 8, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Youssef Tokko,
Plaintiff-Appellant,

-against-

M-5716
Index No. 107918/04

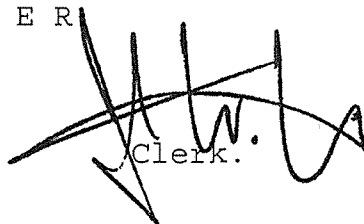
Consolidated Edison Co.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about October 26, 2007 (mot. seq. no. 008) and November 6, 2008 (mot. seq. no. 009), 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 permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeal to the May 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 January 8, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Rory Cutaia, in his individual capacity and in his capacity as duly appointed Representative of the former shareholders of The Telx Group, Inc.,
Plaintiff-Respondent,

-against-

M-5617
Index No. 604215/07

GVA Williams LLC, et al.,
Defendants-Appellants,

GI Partners Fund II, L.P., et al.,
Defendants-Respondents.

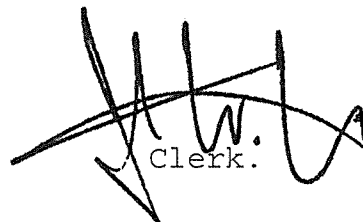
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An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 4, 2008,

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

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

Ordered that the motion is granted to the extent of directing appellant to perfect the appeal on or before February 23, 2009 for the May 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 January 8, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley, Justices.

-----X
Rita Citrin,
Plaintiff-Respondent,

-against-

M-5607
Index No. 602119/07

Baratta and Goldstein, Joseph P.
Baratta, Howard J. Goldstein and
Baratta Baratta and Aidala LLP,
Defendants-Appellants.

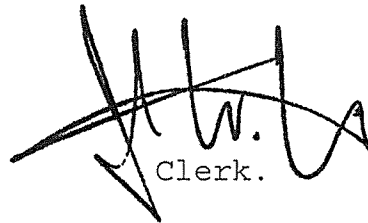
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Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 13, 2008 (mot. seq. no. 001),

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 appellants' time in which to perfect the appeal to the April 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 January 8, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5547

Ind. No. 5750/07

Anthony Brunson,

Defendant-Appellant.

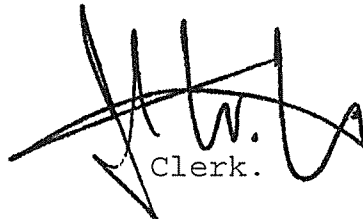
-----X

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 October 24, 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 January 8, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5555

Ind. No. 3305/08

Robert Moses,

Defendant-Appellant.

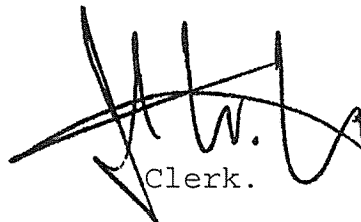
-----X

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 October 28, 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 setting forth his indigency in compliance with CPLR 1101(a), including the amount and sources of his income and listing his property with its value.

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 January 8, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

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

-against-

M-5543
Ind. No. 6187/07

Alexander Lewis,
Defendant-Appellant.

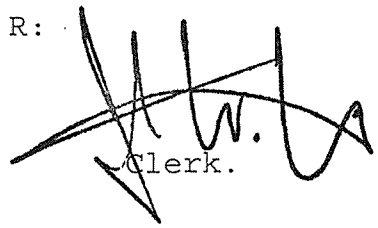
-----X

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 October 30, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the sources of funds used 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 this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 January 8, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

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

-against-

M-5563
Ind. No. 6516/07

Kevin Combs,
Defendant-Appellant.

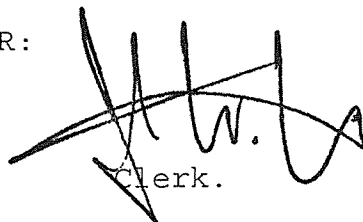
-----X

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 July 29, 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 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, 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.)

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 January 8, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Dolores Caldwell,
Plaintiff-Appellant,

-against-

M-5445
Index No. 17836/06

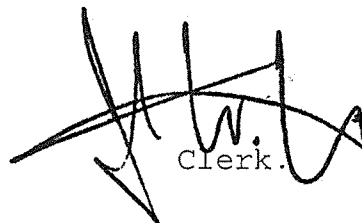
Rafeal Saldana, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant 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 December 5, 2007,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the 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 January 8, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Eugene Nardelli, Justices.

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

Respondent,

-against-

M-2642

Ind. No. 3664/92

Alexis Irizarry,

Defendant-Appellant.

-----X

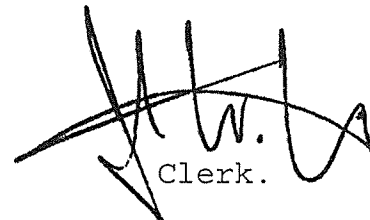
A decision and order of this Court having been entered on November 19, 1996 (Appeal No. 59083), unanimously affirming the judgment of the Supreme Court, Bronx County (Phyllis Skloot Bamberger, J.), rendered on July 6, 1994,

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 January 8, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X
Joseph J. Santora, a citizen and taxpayer of the State of New York, on behalf of the State of New York, Plaintiff-Appellant,

M-6011
Index No. 107561/07

-against-

Sheldon Silver and James Michael Boxley, Defendants-Respondents.

-----X

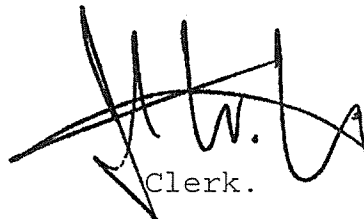
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 17, 2008 (mot. seq. no. 002), and said appeal having been perfected for the February 2009 Term of this Court,

And defendant Sheldon Silver having moved for an order adjourning 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 adjourning the aforesaid 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 January 8, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X
Harvey Axlerod, doing business as
S. Axelrod Co.,

Plaintiff-Appellant,

M-6114

-against-

Index No. 602783/06

Magna Carta Companies, et al.,

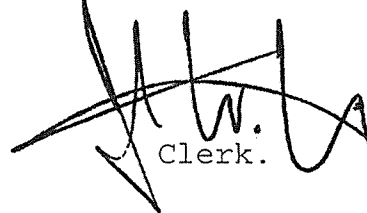
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 14, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 2, 2009 for 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 January 8, 2009.

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

-----X

In the Matter of the Commitment of the Guardianship and Custody of

Elijah Manuel F.,

Pursuant to §384-b of the Social Services Law of the State of New York.

M-5564
Docket No. B24312/03

- - - - -
Catholic Guardian Society and Home Bureau,
Petitioner-Respondent,

Donna Denise M.,
Respondent-Appellant.

- - - - -
Edward Arfe,
Law Guardian for the Child.

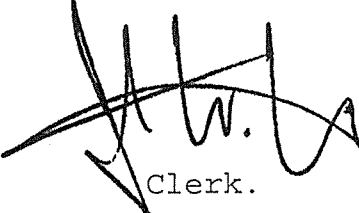
-----X

Petitioner-respondent agency having moved for dismissal of the appeal taken from order of the Family Court, Bronx County, entered on or about May 30, 2006,

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

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

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 January 8, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

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

-against-

M-5696
Ind. No. 2212N/03

Alida Bozek,

Defendant.

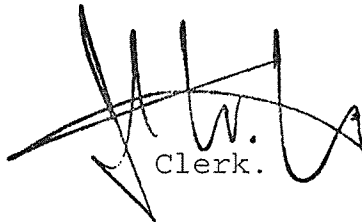
-----X

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 September 25, 2003,

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 CPL § 460.30 subd. 1.)

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 January 8, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

-----X

Alisa Cirillo,

Plaintiff-Appellant,

-against-

M-5637

Index No. 109598/07

Macy's, Inc., (Formerly known as
Federated Department Stores, Inc.),
et al.,

Defendants-Respondents.

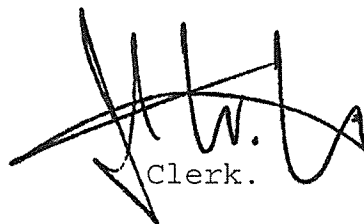
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 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 granted to the extent of enlarging the time in which to perfect the 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 January 8, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

-----X
AWL Industries, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-5574
Index No. 600275/06

QBE Insurance Corp.,
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 October 17, 2007 (mot. seq. no. 002),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the May 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 January 8, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Wendell Tsao,
Plaintiff-Appellant,

-against-

M-5683
Index No. 108095/07

Goldberg, Scudieri & Block, P.C.,
et al.,
Defendants-Respondents.

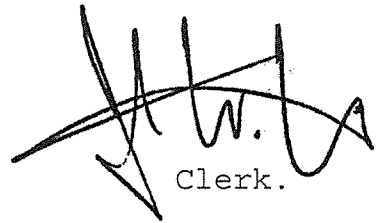
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 9, 2007 (mot. seq. no. 001),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the May 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 January 8, 2009.

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

-----X
BDP International Finance
Corporation, et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-5426
Index No. 600409/06

Pedro Castillo, et al.,
Defendants-Respondents-Appellants,

Intertrade Development Corporation,
Defendant.

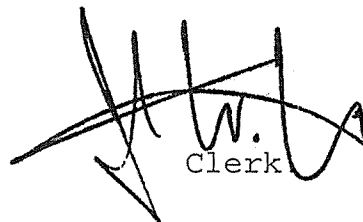
-----X

Plaintiffs 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 28, 2008 (Appeal Nos. 4393-4393A),

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 in the County of New York on January 8, 2009.

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

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

-against-

M-5405
Index No. 102165/06

Anna Bialobroda,
Defendant-Appellant-Respondent/
Respondent

Sebastion Klotz, et al.,
Defendants.

-----X

An appeal having been taken by defendant from the order of the Supreme Court, New York County, entered on or about 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,

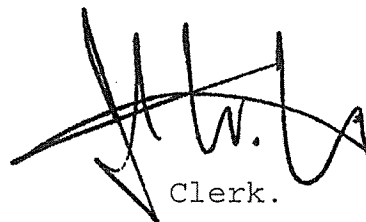
And an appeal having been taken by plaintiff from the order of said Court, entered on or about October 31, 2008,

And plaintiff having moved for a stay, modification or vacatur of the aforesaid order of Supreme Court, entered on or about October 31, 2008, 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 January 8, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

-----X
In the Matter of the Application of
Stephen Brathwaite,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5640
Index No.400054/08

New York City Police Department,
Hippolyte, Associate Investigator,
Record Access Officer, Jonathan
David, Record Access Appeal Officer,
Respondents-Respondents.

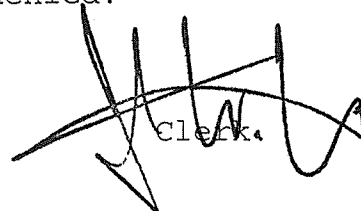
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about September 10, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is 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 January 8, 2009.

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

-----X
In the Matter of

Taliya G. and Elyon C., Jr.,

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

M-5587
Docket Nos. NN4385-6/08

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

Jeannie M.,
Respondent-Appellant.

- - - - -
Linda Diaz, Esq., Lawyers for
Children, Inc.,
Law Guardian for the Children.

-----X

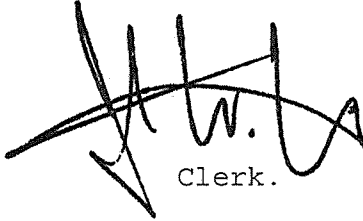
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about October 30, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Susan Jacobs, Esq., Center for Family Representation, 116 John Street, 19th Floor, New York, NY 10038, Telephone No. 212-691-0950, as counsel, for purposes of prosecuting

the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 8, 2009.

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

-----x
Ping Lee, et al.,
Plaintiffs,

-against-

M-5443
Index No. 20120/86

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

-----x
-----x
Ping Lee,
Plaintiff,

-against-

Index No. 100142/07

Geoffrey D. Wright and Consolidated Edison
Company of New York, Inc.,
Defendants.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about March 13, 2006 and June 21, 2007, respectively,

A decision and order of this Court having been made and entered on May 24, 2007 (Appeal No. 1168N), unanimously dismissing the appeal taken by plaintiff Ping Lee from the order the Supreme Court, New York County, entered on or about March 13, 2006,

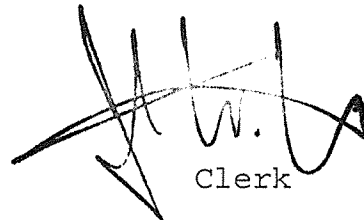
And plaintiff Ping Lee having moved for omnibus relief including vacatur of the aforesaid decision and order of this Court entered on May 24, 2007 (Appeal No. 1168N), and an enlargement of time in which to perfect the appeal from the order of the Supreme Court entered on or about June 21, 2007,

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 denied, with \$100 costs, and it is further,

Ordered that the Clerk of this Court and the Clerk of the Supreme Court, New York County, are directed to accept no further filings by plaintiff with respect to any action involving Consolidated Edison Company of New York, Inc. without prior leave of the respective Court.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 8, 2009.

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

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

-against-

Mercedes Ovalles,
Defendant-Appellant.

M-5395
Case Nos. 32442C/06
33792C/06

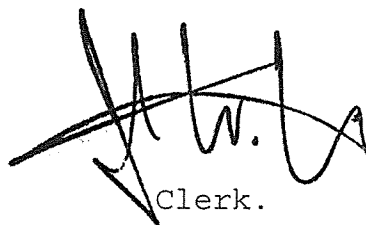
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 11, 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 April 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 January 8, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. McGuire
Karla Moskowitz, Justices.

-----X
In the Matter of the Commitment of the Guardianship and Custody of

Al M. S., also known as
Alex S., Jr.,
Gloria M. S., and
John William M., III,

M-5429
Docket Nos. B-27245/05
B-27246/05
B-27247/05

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

- - - - -
Leake & Watts Services, Inc.,
Petitioner-Respondent,

Leilani C.,
Respondent-Appellant,

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

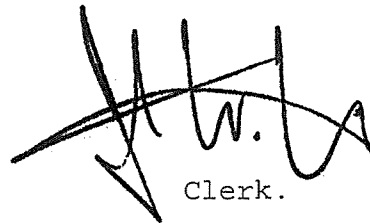
-----X

Petitioner-respondent agency having renewed the motion for dismissal of the appeal taken by Leilani C. from the orders of the Family Court, Bronx County, entered on or about April 30, 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 upon a demonstration of service of the motion papers upon respondent-appellant mother at her last known address after diligent inquiry as to same with a statement as to the efforts expended by petitioner agency with respect to said inquiry.

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 January 8, 2009.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Executive Risk Indemnity Inc.,
Plaintiff-Respondent,

-against-

Pepper Hamilton LLP, et al.,
Defendants-Appellants,

M-5073
M-5098
M-5628
Index Nos. 603624/05
590185/07

Westport Insurance Corporation,
Defendant-Respondent-Appellant.

- - - - -
Pepper Hamilton LLP, et al.,
Third-Party Plaintiffs-Appellants,

-against-

Continental Casualty Company, et al.,
Third-Party Defendants-Respondents.

-----X

Third-party defendant-respondent Twin City Fire Insurance Company 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 September 23, 2008 (Appeal No. 3850 [M-2182]) (M-5073),

And third-party defendant-respondent Continental Casualty Company having moved for the same relief (M-5098),

And plaintiff-respondent Executive Risk Indemnity Inc. having moved for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court (M-5628),

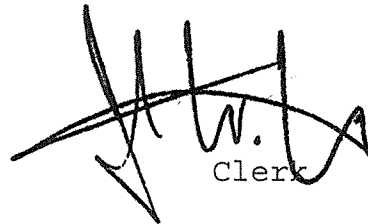
Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions, to the extent that they seek reargument are denied. To the extent that the respective motions seek leave to appeal to the Court of Appeals, the motions are 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 be reviewed by the Court of Appeals:

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

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

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 January 8, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X

Marilyn Hancock,

Plaintiff-Appellant,

-against-

M-5674

Index No. 15596/04

Cappelli Enterprises, Inc., et al.,

Defendants-Respondents.

-----X

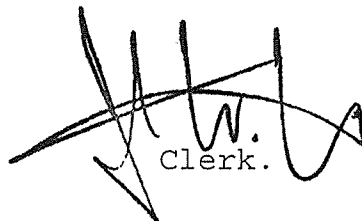
(And a third-party action)

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 March 12, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 January 8, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Rosalee DeJesus, an Infant by
her Mother and Natural Guardian,
Emilia DeJesus, and Emilia DeJesus,
Individually,

Plaintiffs-Respondents,

-against-

M-5596
Index No. 112753/00

191st Street Associates, LLP and
Nydia DiMartini,

Defendants-Appellants.

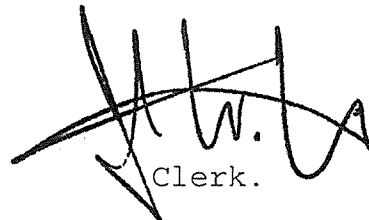
- - - - -
(And other actions)

-----X
Defendants/third-party and second third-party-plaintiffs/
appellants, 191st Street Associates, LLP and Nydia DiMartini,
having moved for an enlargement of time in which to perfect the
appeal from the order of the Supreme Court, New York County,
entered on or about June 27, 2007 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent
of enlarging 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 January 8, 2009.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Casa Redimix Concrete Corp.,
Plaintiff-Respondent,

-against-

M-5501
Index No. 600672/04

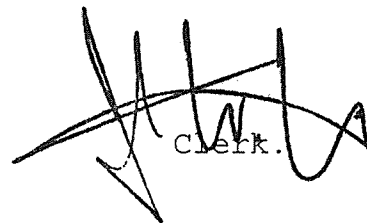
Cosner Construction Corp., et al.,
Defendants-Appellants.
-----X

Plaintiff having moved for dismissal of the appeal taken from the intermediate order of the Supreme Court, New York County, entered on or about August 6, 2008 (mot. seq. no. 003),

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

It is ordered that the motion is denied and, sua sponte, plaintiff's notice of appeal from said intermediate order of the Supreme Court, entered on or about August 6, 2008 is deemed to be a valid appeal from the final judgment of said Court entered on or about September 23, 2008.

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 January 8, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-5652
Ind. No. 3373/84

Richard Herndon,
Defendant-Appellant.

-----X

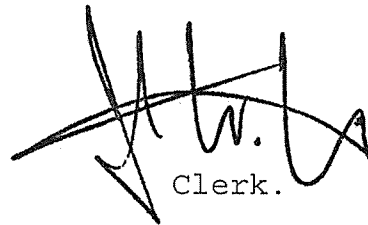
An appeal having been taken to this Court by defendant from the order of the Supreme Court, New York County, entered on or about July 1, 2008,

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.

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 January 8, 2009.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,
 James M. McGuire
 Dianne T. Renwick
 Helen E. Freedman, Justices.

-----X
Tai Ping Chen,
 Plaintiff-Appellant,

-against-

M-5630
Index No. 108596/03

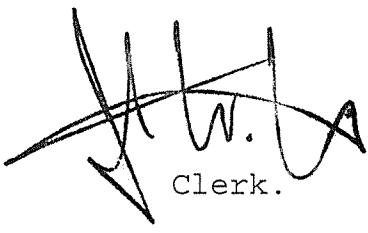
Citibank, et al.,
 Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 13, 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 denied and, sua sponte, the appeal is dismissed.

E N T E R:


Clerk.