

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 13, 2009.

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

-----X
Walter Miller Dennison,
Plaintiff-Appellant,

-against-

M-5970
Index No. 112069/06

Amy Miller Dennison,
Defendant-Respondent.


-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 4, 2007 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the Notice of Discontinuance, dated December 10, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2008 Term, is withdrawn in accordance with the aforesaid notice.

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 13, 2009.

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

-----X
Tanya Outlaw,
Plaintiff-Respondent,

-against-

M-5965
Index No. 27225/00

New Settlement Apartments/N.S.A.
Security, "John Doe", whose name
is fictitious as it is unknown
and Initial Security,
Defendants-Appellants.

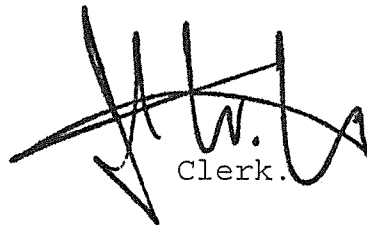
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about May 9, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated December 12, 2008, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the December 2008 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

-----X
Marinelly Taveras,
Plaintiff-Respondent,

-against-

M-5966X
Index No. 8456/04

Emerick Gross Real Estate, L.P.,
et al.,
Defendants-Appellants,

-and-

Atlas Welding & Boiler Repair,
Defendant.

-----X
(And another action)
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 27, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 16, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

-----X
Joseph W. Gdoviak,
Plaintiff-Respondent-Appellant,

-against-

M-5975X
Index No. 109232/05

Southbridge Towers, Inc.
Defendant-Appellant-Respondent,

-and-

Schlesinger Building Restoration, Inc.,
Defendant-Appellant-Respondent.

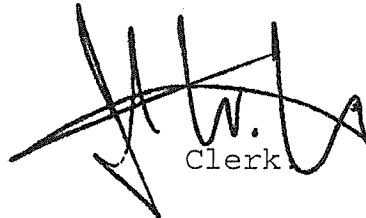
-----X

Appeals and a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 1, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 15, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

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

-against-

M-5753
Ind. No. 1082N/08

Darnell Banks,
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 21, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

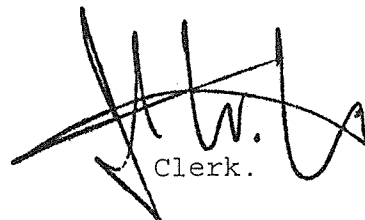
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 13, 2009.

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

-----X
Michael Sinodinos,
Plaintiff,

-against-

M-5976X
Index No. 116433/05

Nomura IBJ Global Investment Advisors,
Inc., doing business as Nomura
Securities International, et al.,
Defendants.

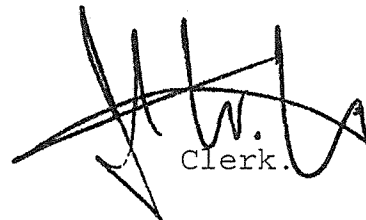
-----X
(And a third-party action)
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 19, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 15, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

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

-against-

M-5754
Ind. No. 3222/08

Tommy Beal,
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 17, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

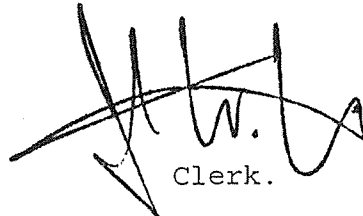
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 13, 2009.

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

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

-against-

M-5755
Ind. No. 4163/08

Everton Caines,
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 8, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

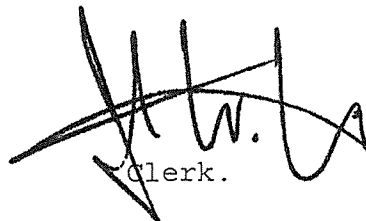
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 13, 2009.

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

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

-against-

M-5758
Ind. Nos. 1301/06
4908/06 & 6000/06

Bobby Ferrel,
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 14, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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 13, 2009.

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

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

-against-

M-5771
Ind. No. 3382/08

Miguel Maldonado, also known as
Jose Maldonado,
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 25, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

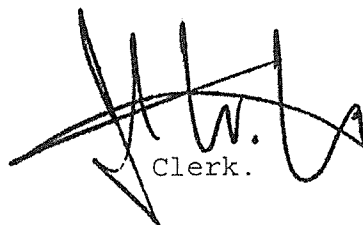
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 13, 2009.

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

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

-against-

M-5768
Ind. No. 4193/08

Prazel Washington,
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 16, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

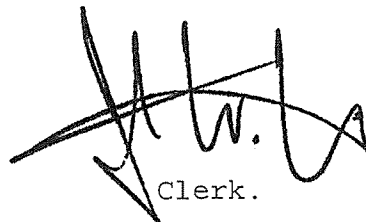
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 13, 2009.

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

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

-against-

M-5769
Ind. No. 261/08

Olu Norwood,
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 on the original record and upon a reproduced appellant's brief, and for related relief,

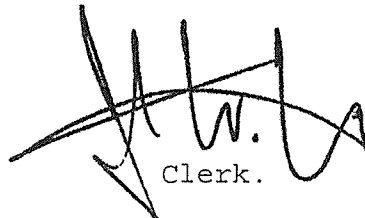
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 13, 2009.

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

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

-against-

M-5757
Ind. No. 7007/00

Rene Delgado,
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about September 9, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

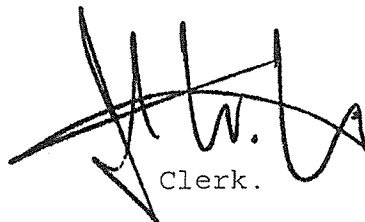
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 resentence. 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.

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 13, 2009.

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

Presiding Justice,

Justices.

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

-against-

M-5763
Ind. No. 5002/05

George Nunez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about October 22, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

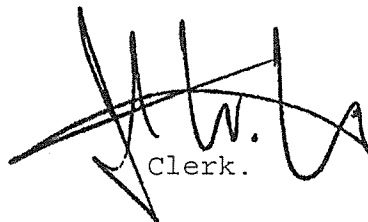
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 resentence. 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.

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 13, 2009.

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

Presiding Justice,

Justices.

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

-against-

M-5760
Ind. No. 5260/02

George Jordan,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 25, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

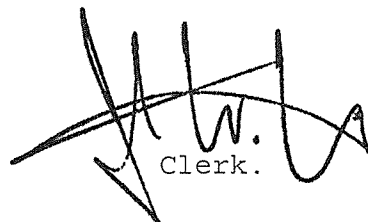
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

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

-against- M-5752
Ind. No. 4588/01

Samuel Baez,
Defendant-Appellant.
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about November 7, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

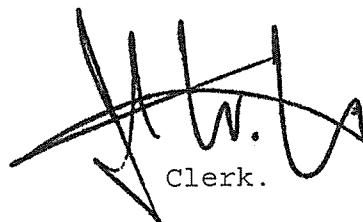
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 resentence. 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.

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 13, 2009.

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

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

-against-

M-5770
Ind. No. 618/07

Israel Soto, also known as Isreal Soto,
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, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

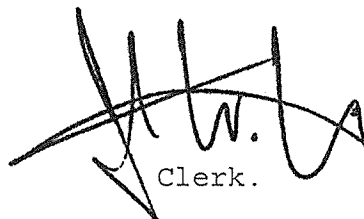
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 13, 2009.

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

Presiding Justice,

Justices.

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

-against-

M-5759
Ind. No. 2484/06

Fausto Gonzalez,
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 November 28, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

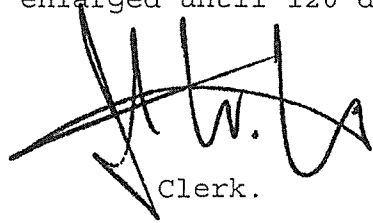
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 13, 2009.

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

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

-against-

M-5761
Ind. No. 4369/08

Jarred Knight,
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 November 20, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

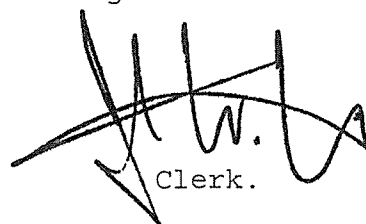
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 13, 2009.

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

Presiding Justice,

Justices.

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

-against-

M-5762
Ind. No. 50/08

Robert McCoy,
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 November 5, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

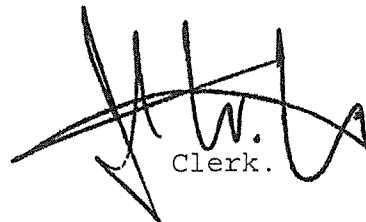
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 13, 2009.

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

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

-against-

M-5764
Ind. No. 277/08

David Price,
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 November 17, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

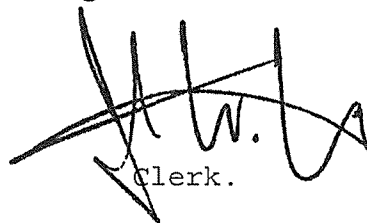
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 13, 2009.

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

Presiding Justice,

Justices.

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

-against-

M-5765
Ind. No. 681/08

Edward Ramos,
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,

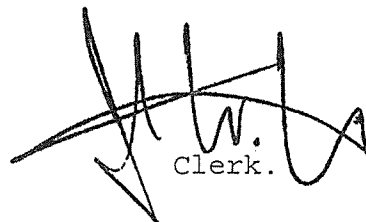
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 13, 2009.

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

Presiding Justice,

Justices.

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

-against-

M-5766
Ind. No. 64894/08

Alberto Vargas,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 27, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

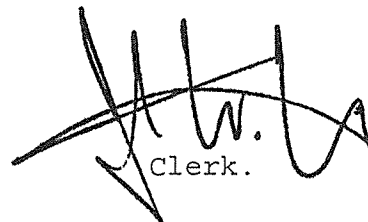
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 13, 2009.

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

Presiding Justice,

Justices.

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

-against-

M-5783
Ind. No. 6085/04

Rubin Scott,
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 14, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

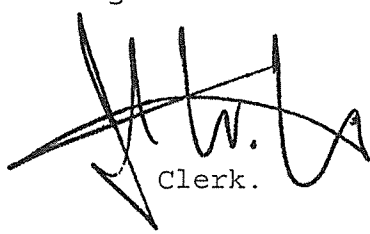
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

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

-against-

M-5778
Ind. No. 1693/03

Avery Pettigrew,
Defendant-Appellant.
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of said Court rendered on or about October 29, 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,

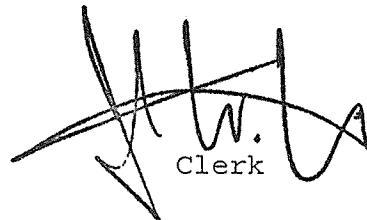
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, 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 **resentence**. 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.

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 13, 2009.

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

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

-against-

M-5756
Ind. No. 2826/03

Marcus Davis,
Defendant-Appellant.

-----x
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of resentence of the Supreme Court, New York County (Berkman, J.) entered on or about September 22, 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,

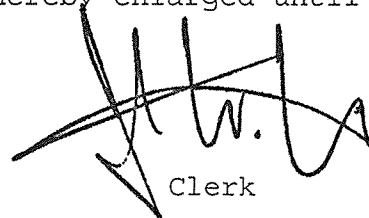
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, 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 resentence. 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.

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 13, 2009.

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

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

-against-

M-5645
Ind. Nos. 6888/01
6518/00

Jarrid Barnes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 13, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

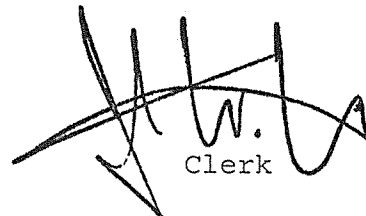
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 **resentence**. 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.

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 13, 2009.

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

-----X
In the Matter of

Joaquin C.,

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

M-5650
Docket No. NA7099/07

- - - - -
Commissioner of Social Services of
the City of New York,
Petitioner-Appellant,

Ana F.,
Respondent-Respondent.

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

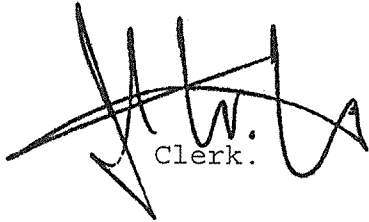
-----X

Respondent-respondent mother having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about October 28, 2008, for the assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and § 110 of the Family Court Act, Nancy Botwinik, Esq., 309 West 82nd Street, Apt. 4-A, New York, NY 10024, Telephone No. 212-787-1501, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

In the Matter of

Samantha Stephanie R.
and Angelica Miguel R.,

M-5095

Docket Nos. B1362-3/07

Dependent Children under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

- - - - -
Coalition for Hispanic Family
Services, et al.,
Petitioners-Respondents,

Yolanda O.,,
Respondent-Appellant.

- - - - -
Brad Martin, Esq.,
Law Guardian for the Children.

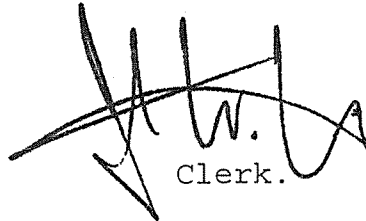
-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 16, 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, John Marafino, Esq., 9 West Prospect Avenue, Suite 409, Mount Vernon, NY 10550, Telephone No. 914-663-1500, 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.

1

Service 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 13, 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-5306 & M-5609
Ind. No. 465/03

Carlos Hernandez,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 6, 2005,

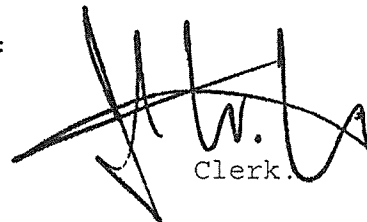
And defendant having moved pro se for limited poor person relief for the purpose of obtaining transcripts of the voir dire minutes (M-5306),

And retained counsel for defendant-appellant having moved for the same relief and for an enlargement of time in which to perfect said appeal (M-5608),

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

It is ordered that the motions are granted to the extent of enlarging defendant-appellant's time in which to perfect the aforesaid appeal to the May 2009 Term, and directing the court reporter to promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of all voir dire proceedings. 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.

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 13, 2009.

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

-----X
Louis F. Polk, Jr., also known as
Louis Polk, and Anna Polk,
Plaintiffs-Respondents,

-against-

M-5713
Index No. 603369/04

John R. Hearst, Jr.,
Defendant-Appellant,

Barbara W. Hearst,
Defendant.

-----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 February 19, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 13, 2009.

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

-----X
Joseph Gallagher, et al.,
Plaintiffs-Respondents,

-against-

Levien & Company, et al.,
Defendants.

-----X
Levien & Company,
Third-Party Plaintiff,

-against-

St. Paul Fire & Marine Insurance
Company,
Third-Party Defendant.

-----X
Levien & Company, et al.,
Second Third-Party Plaintiffs-
Respondents,

-against-

Shroid Construction, Inc.,
Second Third-Party Defendant,

Cord Construction,
Second Third-Party Defendant-
Appellant.

-----X

Second third-party 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 December 7, 2007 (mot. seq. no. 001),

M-5615
Index No. 100769/01

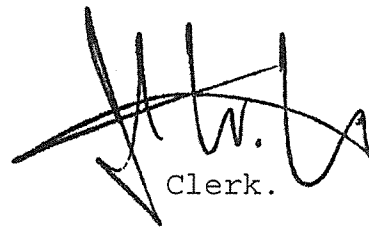
Third-Party
Index No. 590220/01

Second Third-Party
Index No. 1590611/01

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:

A handwritten signature in black ink, appearing to be "M. W. L.", written over the typed name "M. W. L." and the word "Clerk.".

M. W. L.
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 13, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

-----X
CSAM Capital, Inc., et al.,
Petitioners-Respondents,

-against-

M-5961
Index No. 601376/07

Ronald S. Lauder, et al.,
Respondents-Appellants.

-----X

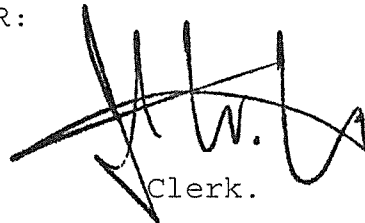
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 25, 2008 (mot. seq. no. 001),

And petitioners-respondents having moved for an order enlarging the record on appeal to include Exhibits 2 & 3 to the moving papers,

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. Petitioners-respondents are directed to expeditiously serve and file 10 copies of said Exhibits 2 & 3 to the moving papers with the Clerk of this Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on January 13, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Black Diamond Commercial Finance,
L.L.C., etc.,
Plaintiff-Respondent,

-against-

M-6051
Index No. 650384/08

CIT Group/Business Credit, Inc.,
Defendant-Appellant.
-----X

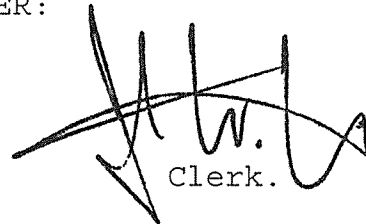
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 19, 2008,

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

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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 13, 2009.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

-----x
The Estate of Yaron Ungar by and through
its Administrator, David Strachman,
et al.,
Plaintiffs-Respondents,

SEALED

Index No. 102101/06

-against-

The Palestinian Authority, et al.,
Defendants-Appellants.

M-5852

- - - - -
The Estate of Yaron Ungar by and through
its Administrator, David Strachman,
et al.,
Plaintiffs-Judgment Creditors,

M-6074

-against-

Index No. 105521/05

The Palestinian Authority, et al.,
Defendants-Judgment Debtors.

-----x

An appeal having been taken to this Court by defendants from the order of the Supreme Court, New York County, entered on or about May 7, 2008,

And plaintiffs-respondents having moved for leave to file a supplemental record on appeal containing twelve documents that were before the court at the time the motion which is the subject of this appeal was decided (Exhibits B-M to the moving papers), deeming the exhibits confidential, and sealing the supplemental record on appeal (M-5852),

And defendants-appellants having cross-moved for leave to supplement the record on appeal with certain exhibits from the parties' summary judgment motions should the court grant plaintiffs' motion (Exhibits A-C to the moving papers), deeming the exhibits confidential, and sealing the supplemental record on appeal (M-6074),

January 13, 2009

Now, upon reading and filing the papers with respect to the motion and cross motion, including the stipulation of the parties filed September 13, 2006, and due deliberation having been had thereon,

It is ordered that the motion and cross motion are granted, and plaintiffs and defendants are permitted to each file 10 copies of their respective supplemental records on appeal containing the aforesaid exhibits. The supplemental records on appeal are sealed in accordance with the parties' confidentiality agreement dated September 13, 2006.

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 13, 2009.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
Luis A. Gonzalez
Eugene Nardelli, Justices.

-----X
Christopher Hotaling and Amy Hotaling,
Plaintiffs-Respondents-Appellants,

-against-

M-5841
Index No. 110790/00

The City of New York and the Board of
Education of the City of New York,
Defendants-Appellants-Respondents.

-----X

Plaintiffs-respondents-appellants Christopher Hotaling and Amy Hotaling having moved for reargument of, or leave to appeal to the Court of Appeals from, the decision and order entered on October 21, 2008 (Appeal No. 3437),

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

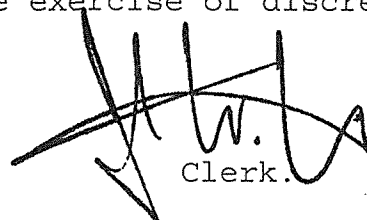
It is ordered that the motion, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent that it 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 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.

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 13, 2009.

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

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

Nelissa O., M-5018
Petitioner-Appellant, Docket Nos. V7611-05/06A
V7612-05/06A

-against-

Danny C.,
Respondent-Respondent.

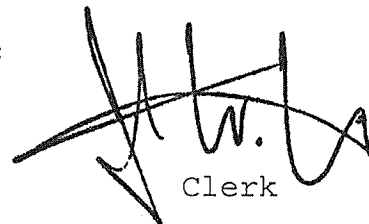
-----X

Respondent-respondent father having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about June 27, 2008, for the assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and § 110 of the Family Court Act, Howard Simms, Esq., 295 Greenwich Street, Suite 222, New York, NY 10007, Tel. No. 646-485-4009, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

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

-against-

M-5741
Ind. No. 464/07

Jose Fortunato,
Defendant-Appellant.

-----X

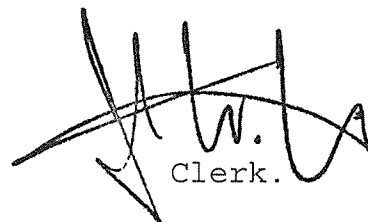
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 25, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, David Goldstein, Esq., as well as 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 13, 2009.

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

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

-against- M-5477
Ind. No. 4337/07

Carlos Matys,
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 February 13, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

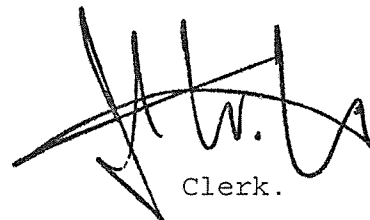
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

-----X

Kristina Teichman,

Plaintiff-Respondent,

-against-

M-5568

Index No. 310316/06

Boris Teichman,

Defendant-Appellant.

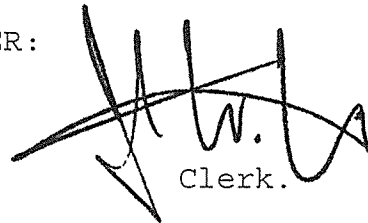
-----X

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 January 31, 2008 (mot. seq. no. 008),

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, with no further enlargements to be granted. 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 13, 2009.

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

-----X
Kirk Dillon,
Plaintiff-Respondent,

-against-

M-5430
Index No. 22482/05

Motorcycle Safety School, Inc.,
et al.,
Defendants-Appellants.

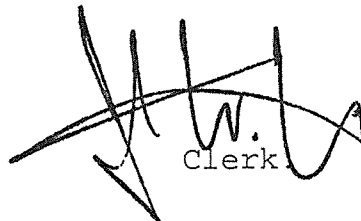
-----X

Defendants-appellants 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 October 3, 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 January 13, 2009.

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

-----X
Heidi Diaz and Rolando Diaz,
Plaintiffs-Respondents,

-against-

M-5881
Index No. 116735/04

Lexington Exclusive Corp.,
Defendant-Appellant,

The New York City Transit Authority,
et al.,
Defendants,

Lillian Goldman and the Lillian Goldman
Family, L.L.C.,
Defendants-Respondents.

-----X
Jane Goldman, et al.,
Third-Party Plaintiffs-Respondents,

-against-

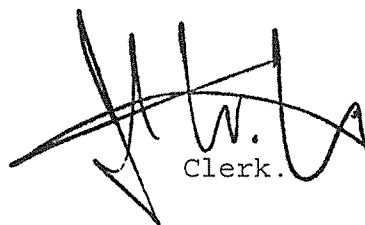
Lexington Exclusive Corp.,
Third-Party Defendant-Appellant.
-----X

Defendant/third-party defendant-appellant, Lexington Exclusive Corp., having moved for an order staying the trial in the above-entitled action(s) pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 26, 2008 (mot. seq. no. 006),

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 January 13, 2009.

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

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

-against-

M-5517
Ind. No. 7686/02

Joseph Melendez,
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 October 20, 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 said appeal, and for related relief,

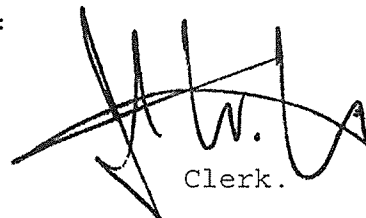
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion 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, and it is further

Ordered that 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 Cataldo as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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.

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 13, 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

Raquel N.,
Celine N.,
Sofia A.,
and Pricilla A.,

M-5536
Docket Nos. B6671-74/05

Dependent Children under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

McMahon Services for Children,
a program of Good Shepard Services,
et al.,
Petitioners-Respondents,

Evelyn O.,
Respondent-Appellant.

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

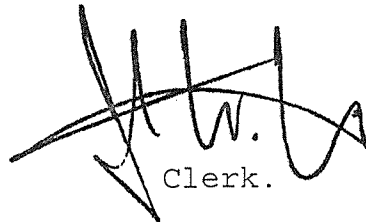
-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about October 1, 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, Kenneth Tuccillo, Esq., 385 Warburton Avenue, Suite 7, Hastings-On-Hudson, NY 10706, Telephone No. 914-439-4843 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 13, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Eugene Nardelli, Justices.

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

Respondent,

-against-

M-4454
Ind. No. 13572/90

Sidney Hayes,

Defendant-Appellant.
-----X

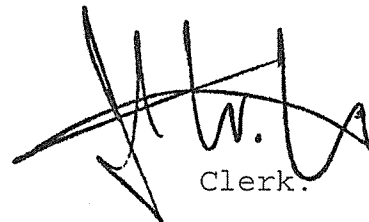
A decision and order of this Court having been entered on March 9, 1995 (Appeal No. 54175), unanimously affirming the judgment of the Supreme Court, New York County (Rene Uviller, J.), rendered on December 5, 1991,

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 13, 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-5466
Ind. No. 3835/87

Richard Ifill, also known as Richard
Farrell, also known as Richard Sunday
Ifill,

Defendant-Appellant.

-----X

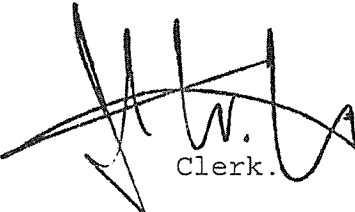
A decision and order of this Court having been entered on June 23, 1992 (Appeal No. 46474), unanimously affirming the judgment of the Supreme Court, New York County (Herbert I. Altman, J.), rendered on November 16, 1989,

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 13, 2009.

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

-----X
Kevin Waltzer,

Plaintiff-Respondent,

-against-

M-5788
Index No. 603415/01

Alan Nisselson, the Chapter 11 Trustee of defendant MarketXT Holdings Corp., formerly known as Tradescape & Co., L.L.C., formerly known as C.S. Block New York, L.L.C., Tradescape Corp., and T. Corp.,

Defendants-Appellants,

Omar Amanat, Sharif Amanat, Tradescape Securities, LLC and Tradescape Technologies, LLC,

Defendants.


-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 13, 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 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 13, 2009.

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

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

Respondent,

-against-

M-4672
Ind. No. 6212/06

Andre Batista,

Defendant-Appellant.
-----X

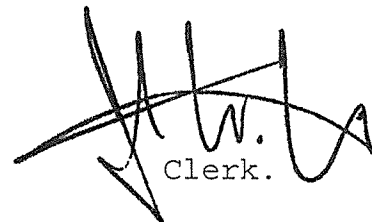
A decision and order of this Court having been entered on May 15, 2008 (Appeal No. 3669), unanimously affirming the judgment of the Supreme Court, New York County (Gregory Carro, J.), rendered on May 16, 2007,

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 13, 2009.

Present : Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

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

Respondent,

-against-

M-3283
Ind. No. 8019/95

Victor Mance,

Defendant-Appellant.

-----X

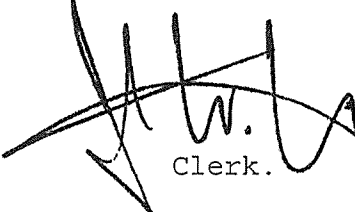
A decision and order of this Court having been entered on June 6, 2000 (Appeal No. 1345), unanimously affirming the judgment of the Supreme Court, Bronx County (Edward Davidowitz, J.), rendered on August 28, 1997,

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 13, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-3905
Ind. No. 7983/96

William Coleman,

Defendant-Appellant.

-----X


A decision and order of this Court having been entered on May 24, 2001 (Appeal No. 4252), unanimously affirming the judgment of the Supreme Court, Bronx County (Daniel Sullivan, J.), rendered on April 29, 1998, and the judgment of resentence (Gerald Scheindlin, J.), rendered on or about December 9, 1997;

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 13, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
James M. Catterson, Justices.

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

-against-

M-4365
Ind. No. 3733/03

James Bazemore,
Defendant-Appellant.

-----X

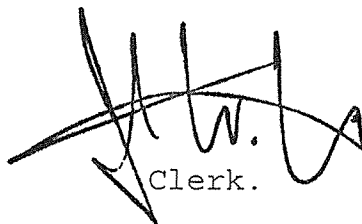
A decision and order of this Court having been entered on September 18, 2007 (Appeal No. 1487), unanimously affirming a judgment of the Supreme Court, Bronx County (Michael R. Sonberg, J.), rendered on February 18, 2005,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for 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 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 13, 2009.

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

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

M-4402

Docket No. 020395/07

- - - - -
Kathy Elaine H. C.,
Petitioner-Respondent,

-against-

Fred T.,
Respondent-Appellant.

-----X

Respondent-appellant, Fred T., having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about May 29, 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, Julian Hertz, Esq., 15 Sherwood Drive, Larchmont, NY 10538, Telephone No. 914-834-5461, 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 13, 2009.

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

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

Gregory Kozhar,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

-against-

M-5791
Index Nos. 111270/07
103177/07

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

-----X

Two separate Article 78 proceedings having been transferred to this Court, pursuant to CPLR 7804(g), by orders of the Supreme Court, New York County, both entered on or about October 17, 2007 (mot. seq. no. 001), to review determinations of respondents, and said proceedings having been consolidated by an order of this Court entered on October 16, 2008 (M-4091),

And petitioner having moved for an enlargement of time in which to perfect the consolidated proceedings,

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 consolidated proceedings 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 13, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
James M. Catterson, Justices.

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

Respondent,

-against-

M-2114
Ind. No. 5264/02

Phillip Frieson,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on January 25, 2007 (Appeal No. 62), unanimously affirming the judgment of the Supreme Court, Bronx County (Michael A. Gross, J.), rendered on May 25, 2005,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

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

-----x
Mindaugas Blaudziunas, et al.,

Plaintiffs-Appellants,

-against-

M-5974
Index No. 102183/08

Edward Cardinal Egan, as Cardinal of the Archdiocese of New York and as Trustee of Our Lady of Vilna Church, et al.,

Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 24, 2008 (mot. seq. nos. 001, 002),

And plaintiffs-appellants having moved for a preliminary appellate injunction pursuant to CPLR 5518 barring the demolition of the Church House of Our Lady of St. Vilnius Church, also known as Our Lady of of St. Vilna Church, located at 750 Broome Street, New York, New York, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition the appeal is perfected on or before February 23, 2009 for the May 2009 Term, for which Term appellants are directed to so perfect.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Helen E. Freedman, Justices.

-----X
In the Matter of an Application for
a Subsequent Retention Order Pursuant
to Section 330.20(9) of the Criminal
Procedure Law in relation to

Thomas J. Spotta, Suffolk County
District Attorney,
Petitioner-Appellant,

M-5727
Suffolk County
Ind. No. 456-87

Index No. 530269-94

James Martella, a patient at Kirby
Forensic Psychiatric Center,
Defendant-Respondent.

-----X

Petitioner having moved for leave to appeal to this Court from a Transfer Order and Order of Conditions of the Supreme Court, New York County, dated November 26, 2008, and for a stay of transfer of defendant-respondent directed by said order, pending hearing and determination of the appeal 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 granted and the aforesaid order is stayed pending hearing and determination of the appeal herein on condition that the appeal is perfected on or before February 23, 2009 for the May 2009 Term for which Term the appellants are directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 13, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----x
Sirius America Insurance Company,
Plaintiff-Appellant,

-against-

M-5978
Index No. 103111/07

Bethel General Contracting, Inc.,
et al.,
Defendants-Respondents.

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

Index No. 590804/07

-----x
Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about August 18, 2008 (mot. seq. no. 002), and August 21, 2008, respectively,

And plaintiff-appellant having moved for a stay of discovery pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is 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 13, 2009.

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

-----x
Project Orange Associates, L.P.,

Plaintiff-Appellant,

-against-

Syracuse University,

Defendant-Respondent.
-----x

M-6003
Index No. 602794/08

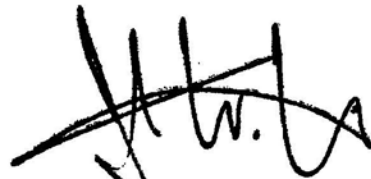
An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, New York County, entered on or about December 12, 2008,

And plaintiff-appellant having moved for a stay of transfer of venue pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:



Clerk