

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

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

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

-against-

M-4718
Ind. No. 2682/07

Alonzo Jacobs,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 23, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

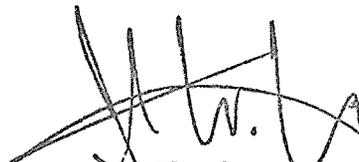
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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 ten 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 November 10, 2009.

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

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

-against-

M-4721
Ind. No. 3670/08

Anthony Toxey,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 3, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

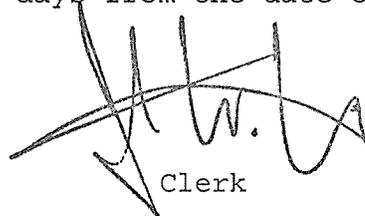
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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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 November 10, 2009.

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

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

-against-

M-4722
Ind. No. 1377/09

Nelson Couvertier,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 8, 2009, 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.

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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.

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Clerk

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

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4723
Ind. No. 3732/07

Rodney Davis,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 6, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

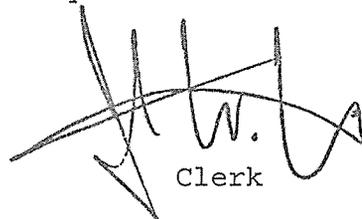
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Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant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

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

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

-against-

M-4724
Ind. No. 6107/08

Wilson Ruiz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 14, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

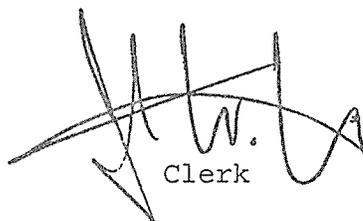
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It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced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

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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.

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Clerk

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Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4725
Ind. No. 4454/07

Jonathan Narvaez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 30, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

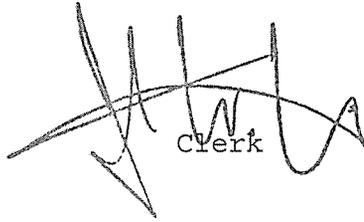
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It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced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

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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.

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Clerk

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Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4726
Ind. No. 484/09

John Backman,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 17, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

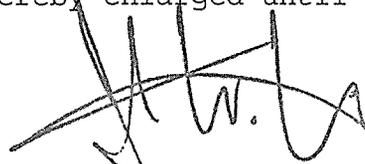
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It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced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

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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.

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Clerk

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

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

-against-

M-4727
Ind. No. 1385/09

Victor Matos,
Defendant-Appellant.

-----X

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

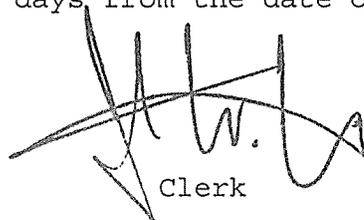
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Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4728
Ind. No. 5445N/08

Myron Roundtree,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 4, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

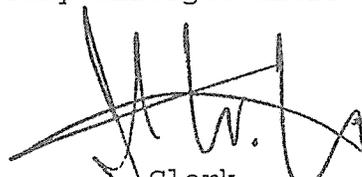
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Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged 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 November 10, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4729
Ind. No. 488/09

Derris Stapleton,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 15, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

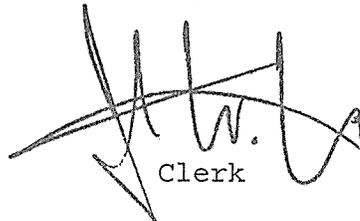
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PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4730
Ind. No. 294/08

Omar Shabazz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 16, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

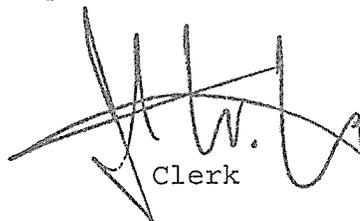
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Clerk

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PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4731
Ind. No. 294/08

Donald Perrington,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 16, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

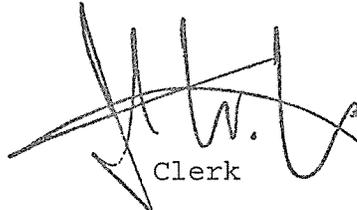
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PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4733
Ind. No. 6705/08

John Singletary,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 9, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

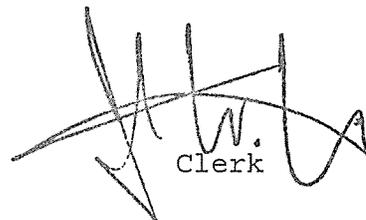
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Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall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

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PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
rta
David B. Saxe, Justices.

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

-against-

M-4734
Ind. No. 1122/08

Richard Young,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 1, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

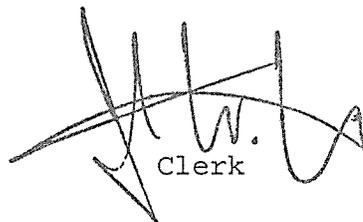
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PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Castle Village Owners Corp.,
Plaintiff-Respondent,

-against-

M-4649
Index No. 604415/05

Greater New York Mutual Insurance
Company,
Defendant-Appellant,

American International Specialty
Lines Insurance Company, et al.,
Defendants.

(And other actions)

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated October 16, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:


Clerk.

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

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Robert Orban,
Plaintiff-Appellant,

-against-

M-4094

M-4297

Ryan McCabe, Mr. & Mrs. (Mary Lee)
John McCabe,
Defendants-Respondents,

Index No. 107524/03

General Motors Acceptance Corporation,
also known as GMAC, and Vault Trust,
Defendants-Respondents.

-----X

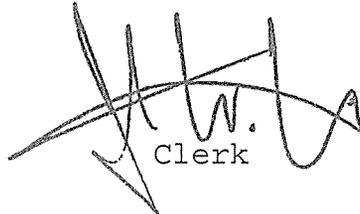
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 27, 2008 (mot seq. no. 002),

And Ryan McCabe, et al. (M-4094) and General Motors Acceptance Corporation, etc., et al. (M-4297) having separately moved for dismissal of the aforesaid appeal for failure to timely perfect,

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

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

ENTER:


Clerk

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

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
James M. Catterson
Sheila Abdus-Salaam, Justices.

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

-against-

M-4065
Ind. No. 4556/01

Wesley Kelly,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 13, 2005 (Appeal No. 5086), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on November 7, 2002,

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 November 10, 2009.

PRESENT : Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Seward Park Housing Corporation,
Plaintiff-Respondent,

-against-

M-4658
Index No. 600059/01

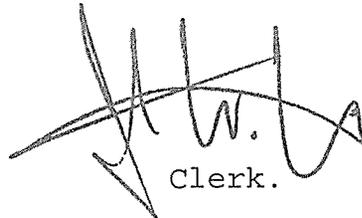
Greater New York Mutual Insurance
Company,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a preference in the hearing of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 27, 2009, or in the alternative, granting a stay of the retrial of this action 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 staying the retrial pending hearing and determination of the aforesaid appeal.

ENTER:


Clerk.

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

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
Mark Flynn,
Plaintiff-Respondent,

-against-

Esplanade Gardens, Inc. and M-4616
Prestige Management, Inc., M-4691
Defendants-Appellants/Respondents, Index No. 111631/05

-and-

Securitas Security Services USA, Inc.,
Defendant-Respondent/Appellant.

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

-----x
An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 28, 2009 (mot. seq. no. 002),

And defendants-appellants Esplanade Gardens, Inc. and Prestige Management, Inc. having moved for a stay of all proceedings, including trial, pending hearing and determination of the aforesaid direct appeal (M-4616),

And plaintiff-respondent having cross-moved for consolidation of the appeal and cross appeal, and for related relief,

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

It is ordered that the motion (M-4616) is granted to the extent of staying trial pending hearing and determination of the appeal and cross appeal. The cross motion (M-4691) is granted to the extent of adjourning the perfected direct appeal and the

perfected cross appeal to the January 2010 Term. Plaintiff-respondent is directed to address both appeals upon a single respondent's brief to be filed on or before December 9, 2009 for said January 2010 Term, and the Clerk is directed to calendar the appeal and cross appeal for hearing together in said Term. Respective responding briefs are to be served and filed on or before December 9, 2009, and respective reply briefs are to be served and filed on or before December 18, 2009.

ENTER:

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

Clerk

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

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----x
The People of the State of New York
ex rel. David Segal, as attorney
on behalf of Jerredy Baez,
Petitioner-Appellant,

-against-

Warden, Manhattan Detention Center,
New York, New York,
Respondent-Respondent.

M-3868
M-3992
Index No. 111202/09
SCID No. 30109/09

-----x

Petitioner-appellant having moved, on behalf of defendant Jerredy Baez, for a reduction of bail and/or release on recognizance pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about August 13, 2009, which, after hearing, denied and dismissed the writ (3868),

And The People having cross-moved for denial of habeas corpus relief and/or reduction in bail, and for related relief (M-3992),

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

It is ordered that the motion (M-3868) is denied, and the cross motion (M-3992) is denied, as academic.

ENTER:


Clerk

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

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

-----X
In the Matter of the Arbitration Between
Amy Levenson,
Petitioner-Appellant,

-against-

M-4548
Index No. 650525/08

Barclays Capital Inc.,
Respondent-Respondent.

-----X

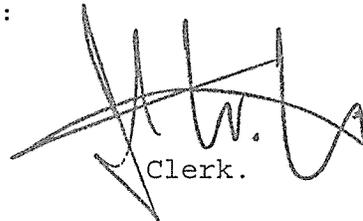
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 26, 2009 (mot. seq. no. 001),

And Vladeck, Waldman, Elias & Engelhard, P.C. (Anne C. Vladeck of counsel) having moved to withdraw as counsel for appellant Amy Levenson,

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 that counsel serves a copy of this order upon all parties within 10 days of 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 November 10, 2009.

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

-----X
In the Matter of

Myisha B.,

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

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

M-4592
Docket Nos. NA290/08
NN290/08

Darryl B.,
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for an enlargement of time in which to perfect the consolidated appeals from the orders of the Family Court, New York County, entered on or about June 3, 2008 and November 13, 2008, respectively,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before January 4, 2010 for the March 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

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

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

-----X
Suzanne Kelley,
Plaintiff-Appellant,

-against-

M-4569
Index No. 115962/07

838 Greenwich Street Corp.,
Defendant-Respondent.

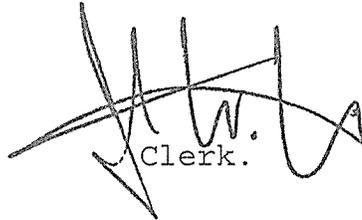
-----X

Plaintiff-appellant having moved for a further enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 19, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

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

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

-----X
Longwood Associates, LLC,
Petitioner-Respondent,

-against-

M-4539
Index No. 6073/07

New York State Department of Environmental
Conservation,
Respondent-Appellant.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 10, 2007,

And respondent New York State Department of Environmental Conservation having perfected its cross appeal as a direct appellant,

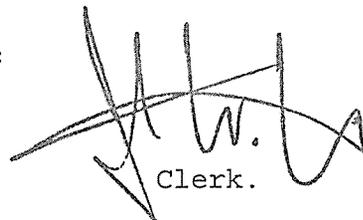
And Lawrence C. McCourt, Esq., Heiberger & Associates, P.C., having moved to withdraw as counsel for petitioner, and for related relief,

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 to withdraw as counsel is granted on condition counsel for petitioner serves a copy of this order upon all parties within 10 days of the date of entry hereof, and

Sua sponte, petitioner's appeal taken from the aforesaid order of the Supreme Court, entered on or about October 10, 2007 is dismissed and, sua sponte, respondent New York State Department of Environmental Conservation's appeal taken from said order of the Supreme Court is adjourned to the February 2010 Term. Withdrawing law firm, Heiberger & Associates, P.C., is hereby directed to forward the record on appeal and brief filed by respondent-appellant to petitioner Longwood Associates LLC on or before December 7, 2009.

ENTER:


Clerk.

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

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Ramona Ortiz,
Plaintiff-Respondent-Appellant,

-against-

The City of New York,
Defendant-Respondent-Appellant

240 West 98th Street Associates, et al.,
Defendants-Appellants-Respondents,

- - - - -
Ramona Ortiz,
Plaintiff-Respondent,

M-4167A
Index No. 113366/05

-against-

The City of New York,
Defendant-Respondent,

240 West 98th Street Associates, et al.,
Defendants-Appellants.

-----X

Defendant City of New York having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 25, 2009 (Appeal No. 118-118A-119N), 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, insofar as it seeks reargument of so much of the aforesaid decision and order of this Court entered on August 25, 2009 which affirmed the order of the Supreme Court, New York County, entered on February 25, 2008 to the extent it denied the municipal respondent's motion for summary judgment, is denied.

It is further ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals from so much of the decision and order of this Court entered on August 25, 2009 which affirmed the order of the Supreme Court, New York County, entered February 25, 2008 which inter alia denied so much of the motion of the municipal appellant for summary judgment 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:

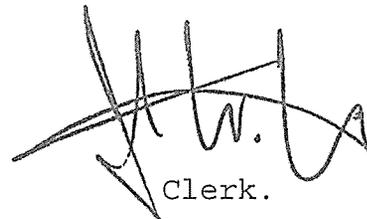
"Was the order of this Court, properly made?"

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

It is further ordered that proceedings in Supreme Court, including trial, are stayed pending hearing and determination of the aforesaid appeal by the Court of Appeals.

The order of this Court entered on October 29, 2009 (M-4167) is herewith recalled and vacated.

ENTER:



Clerk.

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

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----x
In the Matter of the Application of
Veronica Montgomery-Costa, as
President of Local 372, District
Council 37, AFSCME, AFL-CIO, et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

M-4761
Index No. 114374/09

-against-

The City of New York, Michael R.
Bloomberg, as Mayor of the City of
New York, the Board of Education of
the City School District of the
City of New York, et al.,
Respondents-Appellants.

-----x

Municipal respondents having moved for leave to appeal to this Court and for a stay of the injunctive relief afforded petitioners by the order of the Supreme Court, New York County, entered on or about October 15, 2009, pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from movants' counsel dated October 27, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:


Clerk

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

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----X
Grand Street Partners, LLC
Petitioner-Landlord-Respondent,

-against-

M-4623
Index No. 570180/09

Katie Caggiano,
Respondent-Tenant-Appellant,

-and-

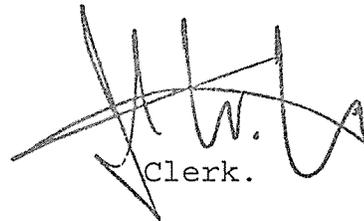
Matthew Caggiano,
Respondent-Appellant.
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 29, 2009, and for a stay of eviction, 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, to the extent it seeks leave to appeal from the Appellate Term, is denied. So much of the motion which seeks a stay of eviction is denied, as academic. The order of a Justice of this Court dated October 5, 2009 is herewith vacated.

ENTER:


Clerk.

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

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Gekia Hafeesah Amore M.,

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

M-4597
Docket Nos. B8774/08
N5163/07

- - - - -
Harlem Dowling-Westside Center
for Children and Family Services,
Petitioner-Respondent,

Paris W.,
Respondent-Appellant.

- - - - -
Natalie Albert, Esq.,
Law Guardian for the Child.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about January 6, 2009,

And respondent-appellant having moved for an order enlarging the record on appeal to include the Family Court records under Docket No. N5163/07, and directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein for inclusion in the record on appeal, and enlarging the time in which to perfect the appeal,

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

It is ordered that the motion is granted and petitioner-respondent Agency is directed to serve a copy of this order upon the Clerk of said Family Court within 10 days of the date of entry hereof and the Clerk is directed to expeditiously have transcribed the minutes of the proceedings held under Docket No. N5163/07 for inclusion in the record on appeal. The time to perfect the appeal is enlarged to the March 2010 Term.

ENTER:



Clerk.

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

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
In re Gary C. B.,

Petitioner-Respondent,

-against-

Sandra I. M.,

Respondent-Appellant.
-----X

M-4220
M-4376
Docket Nos. V06582/07
V11371/07

Respondent-appellant having moved, by separate motions, for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 1, 2009 (Appeal No. 601) [M-4220], and for a stay of the order of Family Court, New York County, entered on or about August 20, 2008 awarding custody of the subject child to petitioner-respondent, and for related relief [M-4376],

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 denied.

ENTER:


Clerk.

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

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

-----X
Benjamin L. Anderson, a Shareholder
of Livonia, Avon & Lakeville Railroad
Corporation,
Plaintiff-Appellant,

M-4668

M-4669

-against-

Index No. 600126/09

Carl P. Belke, et al.,
Defendants-Respondents.

-----X
Benjamin L. Anderson, a Shareholder
of Livonia, Avon & Lakeville Railroad
Corporation,
Plaintiff-Appellant,

Index No. 602210/08

-against-

Eugene H. Blabey II, et al.,
Defendants-Respondents.

-----X

An appeal having been taken (under Index No. 600126/09) from three orders of the Supreme Court, New York County, entered on or about July 24, 2009, July 27, 2009 and July 24, 2009, respectively, (mot. seq. nos. 001, 002 and 003); and an appeal having been taken (under Index No. 602210/08) from three orders of the Supreme Court, New York County, all entered on or about July 27, 2009 (mot. seq. nos. 001, 002 and 003)

And plaintiff-appellant having moved by separate motions for an order staying proceedings including a change of venue in each of the above-named actions, pending hearing and determination of the aforesaid appeals (M-4668 and M-4669),

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 on condition the respective appeals are perfected on or before December 7, 2009 for the February 2010 Term, and to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respective respondents serve a copy of this order upon 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 November 10, 2009.

Present: Hon. Peter Tom, Justice Presiding,
John T. Buckley
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against- M-4215
Ind. No. 4038/08

Maximo Romero,
Defendant-Appellant.

-----X
An order of this Court having been entered on August 18, 2009 (M-3329) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 25, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:


Clerk.

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

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

-against-

M-4591
Ind. No. 4232/00

Michael Cagle,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 22, 2009 (M-3684) inter alia, substituting Richard M. Greenberg, Esq. as counsel to prosecute the appeal taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 16, 2008; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Zoe Dolan, Esq., 30 Vesey Street, Ste. 100, New York, New York 10007, Telephone No. 347-301-5180 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


Clerk.

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

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----x
Phoenix Life Insurance Company,
Plaintiff-Appellant-Respondent/
Appellant,

-against-

The Irwin Levinson Insurance Trust II,
and Jonathan S. Berck, as Successor
Trustee,
Defendants-Respondents/Respondents,

M-4594
Index No. 600985/08

-and-

Life Product Clearing, LLC,
Non-Party Respondent-Respondent-
Appellant/Respondent,

Steven Lockwood, Lockwood Pension
Services, Inc. and Tall Tree Advisors,
Inc.,
Non-Party Respondents-Respondents/
Respondents.

-----x
An appeal and cross appeal having been taken to this Court by plaintiff Phoenix Life Insurance Company and non-party respondent Life Product Clearing, LLC, respectively, from the order of the Supreme Court, New York County, entered on or about June 1, 2009; and plaintiff having taken an appeal from the order of said Court entered on or about August 24, 2009,

And plaintiff having perfected the direct appeals upon a consolidated record and appellant's brief,

And non-party respondents Steven Lockwood, Lockwood Pension Services, Inc. and Tall Tree Advisors, Inc. having moved to dismiss so much of the consolidated direct appeals taken by plaintiffs as from the order of said Court entered on or about August 24, 2009,

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

Ordered that the motion to dismiss the consolidated direct appeals is denied, with leave to movant to address the issue of consolidation in their respondents' brief. Sua sponte, the consolidated direct appeals and the cross appeal are adjourned to the January 2010 Term of Court. Respondents' briefs shall be served and filed on or before December 9, 2009, as shall the points on the cross appeal. Response on the cross appeal and reply briefs shall be served and filed on or before December 18, 2009, and the reply on the cross appeal shall be served and filed on or before December 28, 2009. Plaintiff is directed to immediately correct the caption of the record and briefs heretofore filed to reflect the status of the respective respondents and cross appellant.

ENTER:



Clerk

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

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-3932
Ind. No. 6128/07

Guillermo Santos,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 20, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

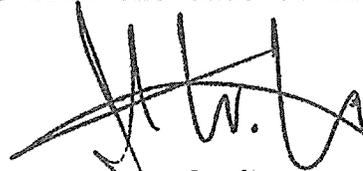
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk.

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

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

-----x
Dwayne Fuller,
Plaintiff-Appellant, M-4194
-against- M-4195
M-4524
PSS/WSF Housing Company, L.P., Index No. 17264/05
PSS/WSF Housing Development Fund
Company, Inc., and Frank Corigliano
Contractor, Inc.,
Defendants-Respondents.
- - - - -
Frank Corigliano Contractor, Inc.,
Third-Party Plaintiff,
-against- Index No. 85662/06
Bayside Fencing, Inc.,
Third-Party Defendant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about February 9, 2009, and said appeal having been perfected,

And defendants-respondents PSS/WSF Housing Company, L.P., et al. (M-4194) and defendant-respondent Frank Corigliano Contractor, Inc. (M-4195) having separately moved for dismissal of the aforesaid appeal,

And plaintiff-appellant Dwayne Fuller having cross-moved pursuant to CPLR 5520(c) to cure any defects or omissions in the notice of appeal,

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

It is ordered that the motions to dismiss the appeal are denied (M-4194/M-4195). The cross motion is granted and plaintiff-appellant is directed to serve and file a corrected notice of appeal within 10 days of 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 November 10, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
David Friedman
Rolando T. Acosta, Justices.

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

-against-

M-2948
Ind. No. 1970/03

Praboodiya Autar,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 18, 2008 (Appeal No. 4082/4082A), unanimously affirming the judgment of the Supreme Court, Bronx County (D. Clark, J.), rendered on September 25, 2007, and the judgment of resentence of said Court (Joseph Fisch, J.) rendered October 3, 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 November 10, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-4179
Ind. No. 5748/95

Clara Rodriguez,

Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about November 4, 1996,

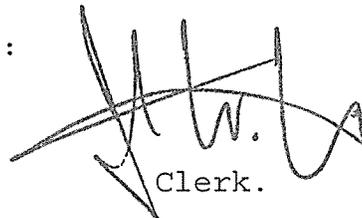
And an order of this Court having been entered on October 7, 1999 (M-5672), granting the People's motion to dismiss the aforesaid appeal to the extent of deeming said appeal withdrawn,

And defendant having moved for an order reinstating her 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 November 10, 2009.

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

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

For a Judgment pursuant to Article 78
of the CPLR,

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

-against-

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

-and-

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

-----x

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

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

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

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

ENTER:


Clerk

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

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

-----X
Law Offices of Michael Lamonsoff,

Plaintiff-Respondent,

-against-

M-4654
Index No. 115131/05

Segan, Nemerov & Singer, P.C.,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 14, 2008 (mot. seq. no. 004),

And plaintiff-respondent having moved for an order dismissing defendant's appeal or, in the alternative, directing defendant to file a supplemental record on appeal which includes all evidentiary documents admitted at the Special Referee hearing held on May 1, 2008, and for an enlargement of time in which to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the February 2010 Term and directing defendant to file 10 copies of a supplemental record on appeal with the Clerk of this Court on or before December 7, 2009 for said February 2010 Term which shall include the aforesaid documents admitted into evidence at the Special Referee hearing.

ENTER:


Clerk.

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

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

-----X
Federico's Restaurant, Inc.,
Plaintiff,

-against-

M-4750
Index No. 114644/08

Paramount Beauty 50th Street Corp.,
Defendant.
-----X

Plaintiff having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about October 9, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Anonymous,
Petitioner-Appellant,

-against-

M-4424
Index No. 112101/08

The New York State Department of
Health, State Board For Professional
Medical Conduct,
Respondent-Respondent.

- - - - -
Lambda Legal Defense & Education
Fund, Inc.,
Amicus Curiae.

-----X

Respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 25, 2009 (Appeal No. 517N),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

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

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

Isidro A-M.,
Petitioner-Appellant,

M-3747
Docket No. V11679-95/06A

-against-

Mirta A. and Minerva F.,
Respondents-Respondents.

Steven Banks, Esq., Law Guardian
for the Child, Angel A-F.
-----X

Petitioner-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about December 22, 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 denied.

ENTER:


Clerk.

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

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Clifford A. Arrey,

Plaintiff-Appellant,

-against-

Beaux Arts II, LLC, et al.,

Defendants-Respondents.
-----X

M-4209

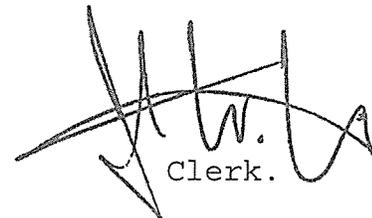
Index No. 115965/06

Plaintiff-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 22, 2008, for leave to have the appeal heard on 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 denied and the appeal is dismissed.

ENTER:


Clerk.

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

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

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

-against-

M-3021
Ind. No. 3726/06

Kenneth Moore, also known as James
Jackson,
Defendant-Appellant.

-----X

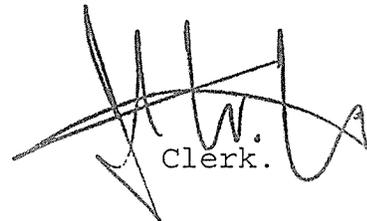
A decision and order of this Court having been entered on April 14, 2009 (Appeal No. 323), unanimously affirming a judgment of the Supreme Court, New York County (Maxwell Wiley, J.), rendered on November 15, 2006,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

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

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Allison Witlow,
Petitioner-Tenant-Respondent,

-against-

M-4058
Index No. 570670/07

Kip's Bay JV LLC,
Respondent-Landlord-Appellant,

-and-

Lila Elman,
Third-Party Respondent-Respondent.

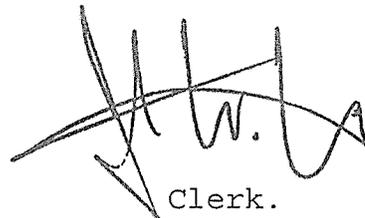
-----X

Petitioner-tenant-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 20, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

PRESENT: Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

-against-

M-3627
Ind. No. 3188/04

Shedrick Blackwell,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 5, 2007 (Appeal No. 1250), unanimously affirming a judgment of the Supreme Court, New York County (Joan Sudolnik, J.), rendered on November 8, 2004,

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 November 10, 2009.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
200 East 27 LLC,

Petitioner-Landlord-Appellant,

-against-

M-4314
Index No. 570066/09

Sy Gru,

Respondent-Tenant-Respondent.

-----X

Respondent-tenant-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 31, 2009, a stay of enforcement of said decision and order, 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, to the extent it seeks leave to appeal from the Appellate Term, is denied. So much of the motion which seeks a stay of enforcement is denied, as academic.

ENTER:


Clerk.

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

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-4368
Ind. No. 2924/07

Yemalia Castillo,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 19, 2008 (M-3409) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 13, 2008,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:


Clerk.

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

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

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

-against-

M-4527
Ind. No. 4609/08

Betty Jean Johnson, also known as
Betty Johnson,
Defendant-Appellant.

-----X
An order of this Court having been entered on May 12, 2009 (M-1809) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 18, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:


Clerk.

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

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Joan McInerney,
Plaintiff-Respondent,

-against-

M-4475
File No. 2243/08

Michael J. McInerney,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Surrogate's Court, Bronx County, dated July 17, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for related relief,

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

It is ordered that the motion, to the extent it seeks the assignment of counsel, is denied. So much of the motion which seeks poor person relief is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), addressing the merits of the appeal.

ENTER:


Clerk.

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

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Charles Zito,
Plaintiff-Appellant,

-against-

M-4448
Index No. 22357/00

City of New York and Consolidated
Edison Company of New York Inc.,
Defendants-Respondents.

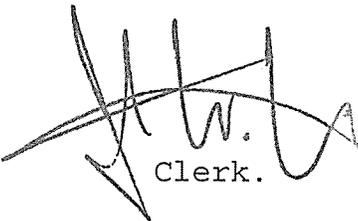
-----X

Plaintiff having moved for a stay of 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 September 10, 2009,

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

It is ordered that the motion is granted on condition that the appeal is perfected to on or before December 7, 2009 for the February 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent(s) serves a copy of this order upon 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 November 10, 2009.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Katerina Garcia-Sjorgrim and
Fernando Garcia,
Plaintiffs-Respondents/Appellants,

-against-

M-4243
Index No. 110717/05

Port Imperial Ferry Corp. and
Port Imperial Ferry Corp., doing
business as New York Waterway,
Defendant-Appellant/Respondent,

Amtran Corp. & IC Corporation,
Defendants-Respondents.

-----X
Port Imperial Ferry Corp., Port
Imperial Ferry Corp. doing business
as New York Waterway,
Third-Party Plaintiffs,

Index No. 591188/06

-against-

Amtran Corp. & IC Corporation,
Third-Party Defendants.

-----X

An appeal having been taken by defendant Port Imperial Ferry Corp. from the order of the Supreme Court, New York County, entered on or about March 18, 2009 (mot. seq. no. 003),

And plaintiffs having taken an appeal from the judgment of the Supreme Court, New York County, entered on or about April 15, 2009,

And defendant Port Imperial Ferry Corp. 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 March 18, 2009 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time of appellant(s) in which to perfect their respective appeal(s) to the September 2010 Term. Sua sponte, the appellant(s) may perfect their respective appeal(s) upon a joint record on appeal for said Term. The Clerk is directed to calendar the appeals for hearing together in said September 2010 Term.

ENTER:



Clerk

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

BEFORE: Hon. DIANNE T. RENWICK
Justice of the Appellate Division

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

Plaintiff,

M- 4483
Ind. No. 8175/1992

-against-

Edward Mackenzie,

Defendant.

-----X

I, DIANNE T. RENWICK, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-2947) entered on August 18, 2009, which denied his motion for certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about June 3, 2009, is denied.



DIANNE T. RENWICK
Justice of the Appellate Division

Dated:
New York, New York

ENTERED: **NOV 10 2009**

PM ORDERS

ENTERED

NOVEMBER 5, 2009

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----X
Nelson Aquino, an infant by his mother
and natural guardian Ramona Aquino, and
Ramona Aquino, individually,
Plaintiffs-Respondents,

-against-

M-4595
Index No. 14875/07

New York City Health and Hospitals
Corporation, et al.,
Defendants-Appellants,

New York Presbyterian Medical Center
and Luis C. Nina Ortega, M.D.,
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about November 28, 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 February 2010 Term with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----X
Cadles of Grassy Meadows II, L.L.C.,
Plaintiff-Respondent,

-against-

Edward B. Lapidus, et al.,
Defendants-Appellants.

M-4633
Index No. 106421/06

-----X

Defendant-appellant Edward B. Lapidus having moved for a stay of the order of the Supreme Court, New York County, entered on or about September 18, 2009 (mot. seq. no. 013), pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court dated October 7, 2009 is hereby vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 5, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
In the Matter of a Proceeding for
Custody and/or Visitation under
Article 6 of the Family Court Act,

Melissa Marie G.,
Petitioner-Respondent-Appellant,

-against-

M-4466
Docket No. V5924/06

John Christopher W.,
Respondent-Appellant-Respondent.

In the Matter of a Proceeding for
Custody and/or Visitation under
Article 6 of the Family Court Act,

Sheryl W.,
Petitioner-Respondent-Appellant,

-against-

Docket No. V7821/06

Melissa G.,
Respondent-Respondent-Appellant,

-and-

John Christopher W.,
Respondent-Appellant-Respondent.

-----X
Petitioner-appellant Sheryl W., having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about July 3, 2008 under the combined docket numbers,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term and adjourning respondent-appellant John Christopher W.'s appeal to said 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 November 5, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----X
Mary Hixon,
Plaintiff-Respondent,

-against-

M-4537
Index No. 7914/06

Nazam Khan,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about October 10, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 6, 2009.

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

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

-against-

M-5017
Ind. No. 6975/00

Timothy Williams,
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 August 13, 2009, 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 on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall **expeditiously** make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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