

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 17, 2009.

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

-----X
In the Matter of

Leandra J., Hayden J. and Christiano J.,

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

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

Sandra E.,
Respondent-Respondent,

Joel J.,
Respondent-Respondent.

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

M-4754
Docket Nos. NA-4793/09
NA-4794/09
NA-4795/09

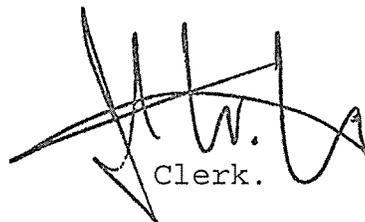
-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about August 27, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed October 15, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
Ernest Figueroa and Jessica Figueroa,

Plaintiffs-Respondents,

-against-

M-5015X
Index No. 603730/08

Bovis Lend Lease LMB, et al.,

Defendants-Appellants,

Long Island Jewish Medical Center,

Defendant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 3, 2009,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
Lucy Mimran,

Plaintiff-Appellant,

-against-

M-5016X
Index No. 308754/07

David Mimran,

Defendant-Respondent.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about December 29, 2008 (mot. seq. no. 003) and February 4, 2009 (mot. seq. no. 004), respectively,

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

It is ordered that the appeals 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 November 17, 2009.

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

-----X
J.P.'s Shellfish, Inc.,

Plaintiff-Respondent,

-against-

Best Buy Shellfish, Inc., et al.,

Defendants-Appellants.
-----X

M-5034X
Index No. 602762/06

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 26, 2009,

And an appeal having been taken from the judgment of said Court entered on or about May 27, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 2, 2009, 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 November 17, 2009.

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

-----X
Imran Mohammed and Chamune Mohammed,
Plaintiffs-Respondents,

-against-

M-4980
Index No. 17507/05

United Nations Plaza Condominium,
Inc. and Board of Managers - United
Nations Plaza Condominium, Inc.,
Defendants-Respondents.

-----X
One United Nations Plaza Condominium
Association,
Third-Party Plaintiff-Respondent,

-against-

Index No. 85311/06

Cushman & Wakefield, Inc.,
Third-Party Defendant-Appellant.

-----X
One United Nations Plaza Condominium
(sued herein as "United Nations Plaza
Condominium, Inc.") and Board of
Managers of the One United Nations
Plaza Condominium, Inc. (sued herein as
"Board of Managers-United Nations
Plaza Condominium, Inc."),
Second Third-Party
Plaintiffs-Respondents,

Index No. 84162/08

-against-

Cushman and Wakefield, Inc.,
Second Third-Party
Defendant-Appellant.

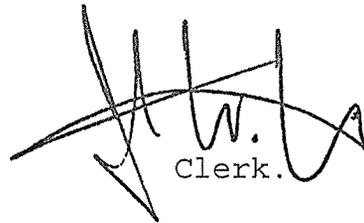
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An appeal having been taken from the orders of the Supreme Court, Bronx County, entered on or about May 12, 2009 (mot. seq. nos. 060, 061 and 062),

Now, upon reading and filing the stipulation of the parties hereto, dated October 29, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
Barbara Julie and David Julie,
Plaintiffs-Respondents,

-against-

M-4683
Index No. 110402/06

York Terrace, Inc., Clermont York
Associates, LLC., Broadwall
Management Corp. and The Feil
Organization,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 18, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated September 29, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
Ava, also known as Maximilia Cordero,
Plaintiff-Appellant,

-against-

M-5024
Index No. 113903/07

Jeffrey Epstein, et al.,
Defendants-Respondents,

The City of New York,
Non-Party Intervenor.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 16, 2008 (mot. seq. nos. 001, 002, 003, 004 and 005),

Now, upon reading and filing the stipulation of the parties hereto, dated October 26, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
In the Matter of the Arbitration of
Commerce and Industry Insurance
Company,
Petitioner-Appellant,

For an Order Appointing an Umpire
in an Arbitration Proceeding,

M-4614
Index No. 103588/08

-against-

ESJC Reinsurance Company, Ltd.,
F&R Reinsurance Company, Ltd.,
Prism Reinsurance Company, Ltd.,
Razor Life Reinsurance Company,
Ltd.,
Respondents-Respondents.

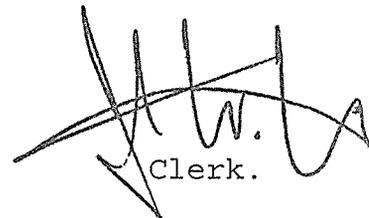
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Appeals having been taken from orders of the Supreme Court, New York County, entered on or about June 10, 2008 (mot. seq. no. 001) and October 1, 2008 (mot. seq. no. 002), respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated October 5, 2009, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the November 2009 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 November 17, 2009.

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

-----X
Faiz Muhammad,
Plaintiff-Respondent,

-against-

M-4890
Index No. 101072/04

Archdiocese of New York, Terrence
Cardinal Cooke Health Care Center,
et al.,
Defendants,

Mainco Elevator Company,
Defendant-Appellant.

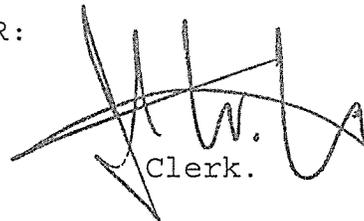
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An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 22, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed October 23, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

-against-

M-4577
Ind. No. 693/07

Luis Ruiz,
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 April 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 as 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, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 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-4803
Ind. No. 5159/07

Ramon Jimenez,
Defendant-Appellant.

-----X
An order of this Court having been entered on February 5, 2009 (M-74), 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 26, 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 17, 2009.

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

-----X
Meyer Glickman and Beatrice Soury-Lavergne,
Plaintiffs-Respondents,

-against-

Horace A. Creary, George Tawia and
Phung T. Pham,
Defendants-Appellants,

M-4652
M-4772
Index No. 110545/07

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

-----X
Defendants-appellants Horace A. Creary and George Tawia (M-4652), and Phung T. Pham (M-4772) having moved, by separate motions, for an enlargement of time in which to perfect the appeals from the order of the Supreme Court, New York County, entered on or about January 7, 2009 (mot. seq. no. 004),

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

Sua sponte, the appeals are consolidated and appellants are permitted to prosecute the appeals upon 10 copies of one record and one set of respective appellants' points covering the appeals, and it is further

Ordered that the time to perfect the consolidated appeals is enlarged to the September 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 17, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Frank Miraglia,
Plaintiff-Respondent-Appellant,

-against-

H & L Holding Corp., M-1611
Defendant/Third-Party Plaintiff, Index No. 25228/00

-against-

Lane & Sons Construction Corp.,
Third-Party Defendant-Appellant-
Respondent.

-----X

Third-party defendant-appellant-respondent Lane & Sons Construction Corp. 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 March 3, 2009 (Appeal No. 5399N),

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

It is ordered that the motion, to the extent it seeks reargument, is granted and, upon reargument, the decision and order of this Court entered on March 3, 2009 (Appeal No. 5399N) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 5399N, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 17, 2009.

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

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

-against-

M-4369
Ind. No. 469/08

Yves Banshoshan,
Defendant-Appellant.

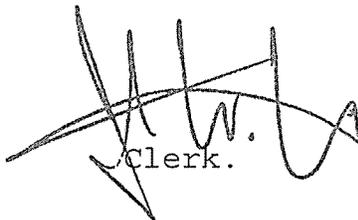
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Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about August 12, 2008, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
American Banknote Corporation,
ABN South America, Inc. and
Transtex SA,
Plaintiffs-Appellants,

-against-

M-4634
Index No. 115446/05

Hernan Daniel Daniele and Diana
Virginia Fernandez Rosas,
Defendants-Respondents.

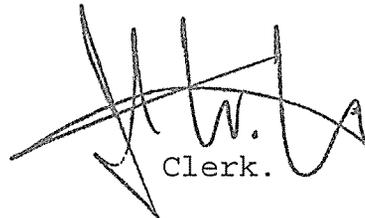
-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 1, 2009 (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 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 17, 2009.

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

-----X
Probate Proceedings, Will of
Ralph Schlaeger,
Deceased,

Hebert L. Hochberg,
Proponent-Respondent,

-against-

M-4650
Surrogate's Court
File No. 1034/07

Judith Schlaeger and Edward Schlaeger,
Objectants-Appellants.
-----X

Proponent-respondent having moved to dismiss the appeal taken from the amended decree of the Surrogate's Court, New York County, entered on or about August 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 to dismiss the appeal is granted unless the appeal is perfected on or before February 22, 2010 for the May 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided proponent-respondent serves a copy of this order upon the appellant(s) 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 17, 2009.

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

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

Respondent,

-against-

M-4497
Ind. No. 3234/01

Denny Diaz,

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 2, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant-appellant's submission of a detailed notarized affidavit in compliance with CPLR 1101(a), detailing the amount and sources of his income and listing his property with its value, and including a statement of facts to show the merit of contentions.

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 17, 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

Windsor Owners Corp.,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
and Rule 3001 of the New York Civil
Practice Law and Rules,

M-4603
Index No. 105671/08

-against-

The City Council of the City of New
York, The New York City Planning
Commission, East River Realty
Company and Sheldon H. Solow,
Respondents-Respondents.

-----x
Appeals having been taken to this Court by petitioner-appellant from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 16, 2009 (mot. seq. nos. 001-005) and the order and judgment (one paper) of said Court entered on or about April 1, 2009 (mot. seq. nos. 006 and 007), respectively,

And retained counsel, Evelyn Konrad, Esq., having moved for an order relieving her as appellant's counsel,

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

It is ordered that the motion is granted to the extent of relieving Evelyn Konrad, Esq., as counsel on condition that counsel serves a copy of this order upon all parties 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 17, 2009.

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

-----X
Tribeca Lending Corporation,
Plaintiff-Respondent,

-against-

M-4407
Index No. 105275/07

Gregory M. Bartlett formerly known as
Gregory Hill,
Defendant-Appellant,

NYS Department of Taxation & Finance,
NYC Parking Violations Bureau, NYC
Environmental Control Board,
Defendants.

-----X

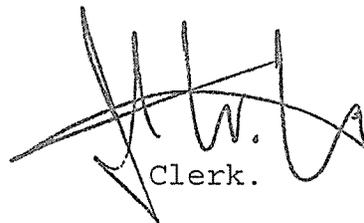
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 18, 2009 (mot. seq. no. 004)

And plaintiff-appellant having moved in the nature of a preliminary appellate injunction pursuant to CPLR 5518 with respect to barring a foreclosure sale,

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. The interim relief granted appellant by an order of a Justice of this Court dated September 25, 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 17, 2009.

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

-----X
Danny Tam,
Plaintiff-Respondent,

-against-

M-4238
Index No. 401394/06

Elrac Inc.,
Defendant-Appellant,

-and-

Collin Moss,
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 1, 2008 (mot. seq. no. 003),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
Mushlam, Inc.,
Plaintiff-Landlord-Respondent,

-against-

M-4564
Index No. 100207/08

Marie Nazor and Peter Mickle,
544 West 27th Street
Entire 4th Floor
New York, New York 10001,
Defendants-Undertenants-Appellants.

-----X

Defendants-appellants having moved for a further enlargement of time in which to perfect the consolidated appeals taken from orders of Supreme Court, New York County, entered April 7, 2008 (mot. seq. no. 002), and June 3, 2008 (mot. seq. no. 003), 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 appellant's time in which to perfect the consolidated appeals to on or before January 4, 2010 for 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 17, 2009.

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

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

Respondent,

-against-

M-4573
Ind. No. 571/02

Abdul Rauf,

Defendant-Appellant.
-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 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 17, 2009.

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

-----X
403 East 76 St. Corp.,
Plaintiff-Respondent-Appellant,

-against-

M-4656
Index No. 104089/07

Eyeprops Realty, LLC, et al.,
Defendants,

The Travelers Excess and Surplus
Lines Company incorrectly sued
herein as The Travelers Companies,
Inc., formerly known as The St. Paul
Travelers Companies, Inc.,
Defendant-Appellant-Respondent.

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

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 2, 2008 (mot. seq. no. 001),

And defendant-appellant-respondent having moved for an enlargement of time of the respective parties in which to perfect the appeal and cross appeal, or for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Residential Management, Inc.,
Petitioner-Respondent,

For a Judgment, etc.,

-against-

M-4593
Index No. 107306/05

New York State Division of Housing
and Community Renewal,
Respondent-Appellant,

Graham Court Tenants' Association,
Respondent-Intervenor.

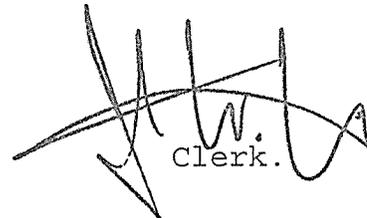
-----X

Respondent-appellant having moved for a further enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 24, 2007 (mot. seq. no. 001),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 17, 2009.

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

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

-against-

M-4438
Ind. No. 5296/07

William Jones,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

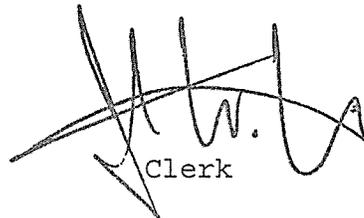
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 November 17, 2009.

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

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

-against-

M-4455

Ind. No. 374/78

Kevin Goldbeck,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Tasa, J.) entered on or about December 5, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

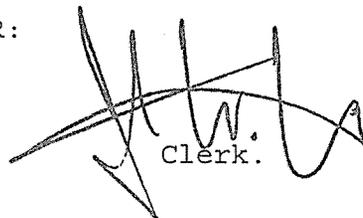
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard 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 Tasa as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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 November 17, 2009.

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

-----x
In the Matter of a Proceeding for
Custody under Article VI of the
Family Court Act,

Derrick J., Sr.,
Petitioner-Appellant,

M-4745
M-4740
Docket No. V-09354/06A

-against-

Leonor L.,
Respondent-Respondent.

-----x

An appeal having been taken to this Court by petitioner from an order of the Family Court, Bronx County, entered on or about September 9, 2009,

And petitioner-appellant having moved by duplicative motions for leave to prosecute the aforesaid appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motions are denied, with leave to renew upon submission of an affidavit addressing whether petitioner was assigned counsel in Family Court, if not, documentation of petitioner's income and/or copies of petitioner's Federal tax returns for the years 2007 and 2008.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

-against- M-4463
Ind. No. 3786/05

Manuel Mendez,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 2, 2006,

And Jorge Guttlein, Esq., retained counsel for defendant, having renewed his motion to be relieved as counsel on 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 upon condition that counsel serves a copy of this order upon the District Attorney, New York County and upon defendant 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 17, 2009.

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

-----X
Washington Heights Optical, Inc.,
Plaintiff-Appellant,

-against-

M-4778
Index No. 602184/09

The Port Authority of New York
and New Jersey,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 27, 2009 (mot. seq. no. 001),

And an order of this Court having been entered on September 8, 2009 (M-3690), inter alia, continuing the temporary stay of eviction proceedings afforded appellant by order of a Justice of this Court dated August 24, 2009, on condition plaintiff perfects the appeal for the January 2010 Term, as indicated,

And defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the order of this Court entered on September 8, 2009 (M-3690),

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, without prejudice to addressing the issue on argument 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 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

Shamar Edwards,
Defendant-Appellant.

M-4645
Ind. No. 270/08
4729/08

-----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 June 6, 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 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 November 17, 2009.

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

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

Respondent,

-against-

Pablo Almonte,

Defendant-Appellant.
-----X

M-4810
D.C. #2
Ind. No. 1635/02

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 19, 2003,

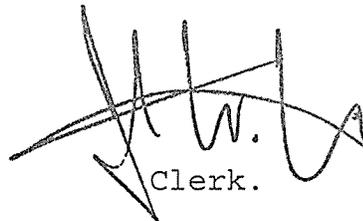
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Antonio Alvarado,

Defendant-Appellant.
-----X

M-4811
D.C. #4
Ind. No. 5759/05

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 12, 2007,

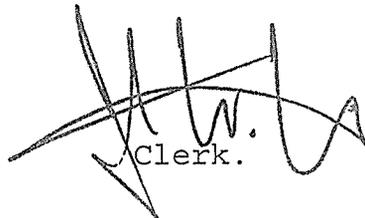
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Tony Green, also known as
Terrence Allen,

Defendant-Appellant.
-----X

M-4832
D.C. #14
Ind. No. 6300/06

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 25, 2007,

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

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Ralph Hall,

Defendant-Appellant.
-----X

M-4835
D.C. #15
Ind. No. 3080/04

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 7, 2005,

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

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Albert Jerido,

Defendant-Appellant.
-----X

M-4838
D.C. #18
Ind. No. 1754/05

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 1, 2005,

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

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Charlie Jones,

Defendant-Appellant.
-----X

M-4839
D.C. #19
Ind. Nos. 2862/06
3640/06

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 19, 2007,

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

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Gary Kelly,

Defendant-Appellant.
-----X

M-4840
D.C. #20
Ind. No. 5733/06

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 1, 2007,

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

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Cleveland Lovett,

Defendant-Appellant.
-----X

M-4845
D.C. #23
Ind. No. 6013/02

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 19, 2003 and the judgment of resentence of said Court rendered February 7, 2006, and from the order of said Court entered December 7, 2005,

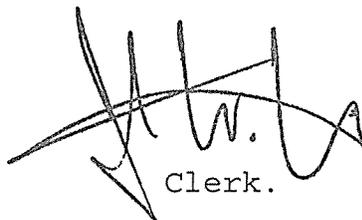
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Kaid Lewis,

Defendant-Appellant.
-----X

M-4844
D.C. #22
Ind. No. 1109/07

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 18, 2007,

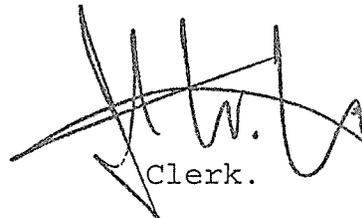
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Jose Manuel, also known as
Franklin Infante,

Defendant-Appellant.
-----X

M-4846
D.C. #24
Ind. No. 1630/99

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 9, 2007,

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

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

M-4848
D.C. #28
Ind. No. 1692/01

Eduardo Medina,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the order of the Supreme Court, New York County, entered on or about December 13, 2007,

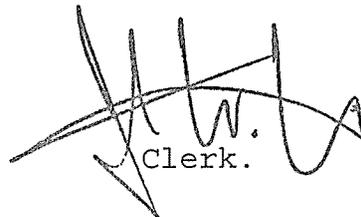
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Julio Panchon,

Defendant-Appellant.
-----X

M-4868
D.C. #32
Ind. No. 1348/05

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 14, 2006,

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

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Victor Santos,

Defendant-Appellant.
-----X

M-4876
D.C. #40
Ind. No. 8421/98

An appeal having been taken to this Court by defendant from the judgment of resentence of the Supreme Court, Bronx County, rendered on or about August 30, 2007,

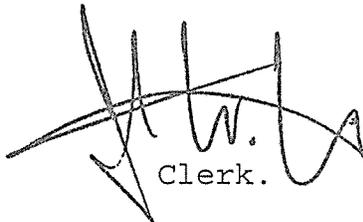
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

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

Respondent,

-against-

Robert Smith, also known as
Robert Bowman,

M-4881
D.C. #46
Ind. No. 5456/06

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2008,

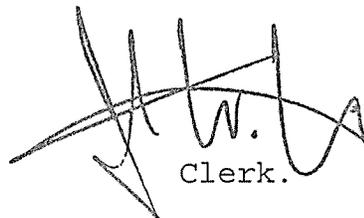
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

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

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2010 Term and counsel is directed to so perfect.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
In the Matter of the Application of
Robert Doar, as the Commissioner of
Social Services of the City of New
York,

Petitioner-Respondent,

M-4828
Index No. 401503/09

For the Appointment of a Guardian
of the personal needs and Property
Management of

Thomas F.,
A Person Alleged to be Incapacitated,
Respondent-Respondent.

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

Third-party appellants Greenthal Management and Marbru Associates having moved this Court for an order, inter alia, vacating a stay of eviction proceedings granted by the order of the Supreme Court, New York County, entered on or about September 16, 2009 and the order and judgment (one paper) of said Court entered on or about October 8, 2009, 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 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 17, 2009.

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

-----X
Brian W. Baxter, on behalf of the
First-Generation, Low-Income
College Student,
Plaintiff-Appellant,

-against-

M-3902
Index No. 303121/07

Columbia University, Nancy Harsh and
Citibank (N.A.),
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an order enlarging the time in which to perfect the appeals from orders of the Supreme Court, Bronx County, entered on or about October 17, 2008 and October 22, 2008, respectively,

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

Sua sponte the notice of appeal dated November 16, 2008 is deemed one to cover both the appeal from the order of said Court entered on or about October 17, 2008 and from the order of said Court entered on or about October 22, 2008 (CPLR 5520[c]). Plaintiff's time in which to perfect the appeals, which are sua sponte consolidated, is enlarged to on or before December 7, 2009 for the February 2010 Term, with no further enlargements to be granted. Appellant is permitted to prosecute the appeals upon 10 copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 17, 2009.

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

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

-against-

M-4472

Ind. No. 2794/08

Johnny Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 11, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

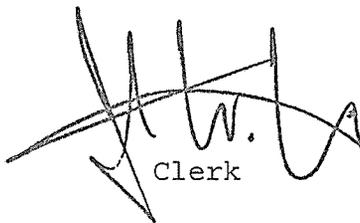
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 17, 2009.

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

-----X
In the Matter of

Christ McM.,	M-4306
Hilleta B.,	Docket No. B17424/07
Jerice McM.,	B17425/07
King Josiah B.,	B17426/07
Prince Jonah McM.,	B17427/07
Princess Sapphire B.,	B17428/07
Queen Kimsheba B. and	B17429/07
Sir Adonis B.,	B17430/07
	B17431/07

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

Catholic Guardian Society and Home Bureau,
Petitioner-Respondent,

Kimberly McM.,
Respondent-Appellant,

Hillard B., etc.,
Respondent.

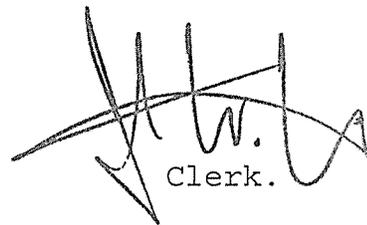
Steven Banks, Esq.,
Law Guardian for the Children.

-----X
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about May 18, 2009, 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 M. Tuccillo, Esq., 385 Warburton Avenue, Hastings on Hudson, New York, 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 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 within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately 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 November 17, 2009.

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

-----X
Benjamin Eisner,

Plaintiff-Appellant,

-against-

M-4647
Index No. 306999/08

Sholom Eisner,

Respondent-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about August 20, 2009, 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.

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 17, 2009.

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

-----X
In the Matter of

Krystal F.,

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

M-4416
Docket No. NN12049/08

Administration for Children's
Services,
Petitioner-Respondent,

Liza R.,
Respondent-Appellant.

William O'Hern, Esq.,
Law Guardian for the Child.

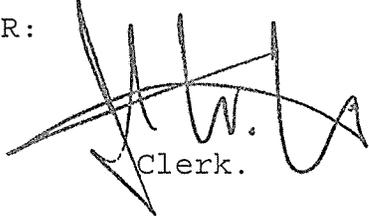
-----X

Respondent-appellant 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 January 27, 2009, 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 as academic, said relief having been granted by the order of this Court entered on June 30, 2009 (M-1656). See M-4596, decided simultaneously herewith.

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 17, 2009.

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

-----X
In the Matter of

Ethan R. and Elias F.,

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

M-4596
Docket Nos. NN12047-48/08

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

Liza R. and Adalberto R.,
Respondents-Respondents.

Steven Banks, Esq.,
Law Guardian for the Child
Ethan R.,

William O'Hern, Esq.,
Law Guardian for the Child
Elias R.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about January 27, 2009,

And petitioner-appellant Agency having moved for an order withdrawing their 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 the appeal is withdrawn. See M-4416, decided simultaneously herewith.

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 17, 2009.

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

-----X
320 Owners Corp.,
Plaintiff-Appellant-Respondent,

-against-

M-4429
Index No. 110470/07

Francis J. Harvey and Jean P.
Wilhelm,
Defendants-Respondents-Appellants.

-----X

Plaintiff-appellant-respondent having moved for an enlargement of time in which to perfect the appeal and cross appeal from the order of the Supreme Court, New York County, entered on or about October 10, 2008 (mot. seq. no. 003),

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

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

ENTER:


Clerk.

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

BEFORE: Hon. Luis A. Gonzalez,

Justice.

-----X

The People of the State of New York,	:	M - 3611
- against -	:	CERTIFICATE
Omar Triplett, also known as Omar Waftal Triplett,	:	DENYING LEAVE
Defendant.	:	Indictment Nos.
	:	288/00, 488/00
	:	1418/00

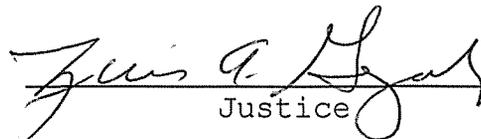
-----X

I, Luis A. Gonzalez, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 26, 2009, is hereby denied.

Dated: New York, New York

Nov. 9, 2009

ENTERED NOV 17, 2009


Justice

PM ORDERS

ENTERED

NOVEMBER 12, 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 12, 2009.

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

-----x
American Express Travel Related
Services Company, Inc.,
Plaintiff-Respondent,

-against-

M-4544
Index No. 400453/07

Aviv Gaal,
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 April 30, 2008,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated October 2, 2009 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.

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 12, 2009.

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

-----X
Jennifer Cangro,
Plaintiff-Appellant,

-against-

M-4857
Index No. 114547/07

Phyllis C. Solomon,
Defendant-Respondent.
-----X

An appeal having been taken by defendant from the order of the Supreme Court, New York County, entered on or about December 15, 2008,

And defendant having moved for an order striking plaintiff's Appendix on the ground that it does not contain defendant's notice of motion and supporting papers and it includes papers which are not part of the record on 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 appeal from the Court's December 2009 Term calendar with leave to re-perfect, without further fee, the appeal on or before December 7, 2009 for the court's February 2010 Term calendar upon an Appendix which complies with CPLR 5528 and 22 NYCRR 600.10(c).

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 12, 2009.

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

-----X
Peter Cooke-Zwiebach, Robert
Cooke-Zwiebach, Liza Cooke-
Zwiebach, and Judith Zwiebach,
Plaintiffs-Respondents,

-against-

M-4801
Index No. 104181/06

Robert I. Oziel, Robert W. Seavey,
Bernard H. Vogel and Seavey Vogel &
Oziel, LLP.,
Defendants-Appellants.

-----X
Appeals having been taken to this Court by defendants-appellants from an order and judgment of the Supreme Court, New York County, entered on or about August 26, 2008 and October 16, 2008, respectively, said appeals having been perfected for the December 2009 Term,

And plaintiffs-respondents having moved to strike a certain affirmation dated January 3, 2008 from the joint record on appeal and all references to it from defendants-appellants' 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 denied, without prejudice to plaintiffs-respondents addressing the issue in its respondent's brief on the aforesaid appeals which are sua sponte adjourned to the January 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 12, 2009.

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

-----X
Lon Silvers, as Administrator of the
Estate of Ralph Silvers,

Claimant-Appellant-Respondent,

-against-

The State of New York, et al.,

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

Court of Claims
M-4851
Claim No. 110663

An appeal and cross appeal having been taken from the order of the Court of Claims of the State of New York, entered on or about May 2, 2007, and said appeal and cross appeal having been perfected,

And claimant having moved for an order striking the reply brief filed by defendants-respondents-appellants or, in the alternative, permitting claimant to file a sur-reply 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 denied.

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 November 12, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse
Nelson S. Roman, Justices.

-----X
Richard Snyder,
Plaintiff-Appellant,

-against-

M-4864
Index No. 110543/09

Crown Wisteria, Inc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 23, 2009,

And plaintiff-appellant having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518, enjoining defendants from any further construction on defendants' property which is adjacent to plaintiff's property, 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 November 12, 2009.

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

-----X
Valerie Vorontsova,

Plaintiff-Appellant,

-against-

M-3189
Index No. 118999/03

Louise Marie Priolo, M.D., et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for reargument of the decision and order of this Court entered on April 21, 2009 (Appeal No. 382N), and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

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

-----X
Travis Williams,
Plaintiff-Appellant,

-against-

Pyramid Reception Center and
The State of New York,
Defendants-Respondents.

M-4561
Court of Claims
Claim No. 107459

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Court of Claims, entered on or about June 19, 2008,

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

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

ENTER:


Clerk.