

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

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-5671  
Ind. No. 45/08

Victor White,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 3, 2008,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

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

-----X  
Auston Canton,  
Plaintiff-Respondent,

-against-

M-5643X  
Index No. 17214/04

Queens Linden Plaza, Inc.,  
Defendant-Appellant.

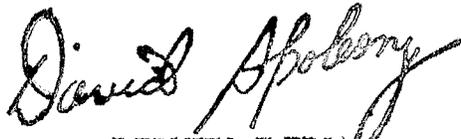
-----X  
(And a third party action)  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 14, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
DEPUTY CLERK  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

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

-----X  
Dejanelle Peterkin,  
Plaintiff-Respondent,

-against-

M-5644X  
Index No. 22595/05

Riverbay Corporation, Special Police  
Officer Charles Edwards and Special  
Police Officer Robert Bersch, Tax  
Reg. #1101285, Both of Riverbay  
Corporation,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 10, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 11, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

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

-----X  
Norma Lusardi,  
Plaintiff-Respondent,

-against-

M-5687X  
Index No. 106687/05

First Sigma Capitol, Inc. and  
Newmark & Company Real Estate, Inc.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 20, 2009 (mot. seq. no. 011),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 14, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

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

-----X  
320 Owners Corp.,

Plaintiff-Appellant-Respondent,

-against-

M-5685X  
Index No. 110470/07

Francis J. Harvey and Jean Wilhelm,

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

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 10, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 15, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5447  
Ind. No. 3002/06

Alpha Diallo, also known as Alpha  
Ismael Diallo,  
Defendant-Appellant.

-----X

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

ENTERED



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5448  
Ind. Nos. 1298/09  
5401/08

Willie Jenkins,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 14, 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

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5449  
Ind. Nos. 6066/08  
6172/08

Kerwin Johnson,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 20, 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:   
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5450  
Ind. No. 6214/08

Akeem Jordan,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 16, 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  
  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5451  
Ind. No. 1734/09

Romel Mompoint,  
Defendant-Appellant.

-----X

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

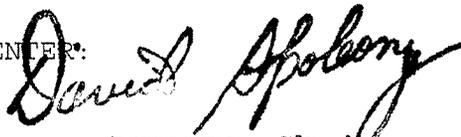
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5456  
Ind. No. 1095/09

Michael Atkins,  
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 16, 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.

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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5457  
Ind. No. 1128/08

Luis G. Barbosa, also known as Luis  
Barbosa,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 25, 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.

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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5459

Ind. No. 5475/08

Darnell Childers,  
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 10, 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.

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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5461  
Ind. No. 116/09

Jamel Johnson,  
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 August 19, 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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 5, 2010.

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-5462  
Ind. No. 4624/08

Ernesto Martinez,  
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 9, 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.

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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

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-

Alessandro Gallardo, also known as  
Allesandro Galiardo, also known as  
Ziatko Galjasevic,  
Defendant-Appellant.

M-5404  
Ind. Nos. 1216/08  
1594/06

-----X

An order of this Court having been entered on July 14, 2009 (M-2497), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 20, 2009, under Indictment No. 1216/08, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 1594/06,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 1216/08 and 1594/06, and extending the poor person relief previously granted to cover same.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

Frantzy Morisset,

Defendant.

M-5361  
Ind. Nos. 3839/07  
1526/08

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 23, 2008, 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. (CPL 460.30 [Subd.1])

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
John Sjöholm,

Petitioner-Appellant,

For a Judgment pursuant to Article 78  
of the CPLR,

M-5134  
Index No. 104966/08

-against-

Raymond Kelly, etc., et al.,

Respondents-Respondents.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about December 24, 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 April 2010 Term.

ENTERED

*David Apolony*  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
James M. Catterson  
James M. McGuire  
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-4061  
Ind. No. 4800/05

William Gilman and Edward McNeeney,  
also known as Edward J. McKenney,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for an order holding in abeyance the hearing of their appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 17, 2008, pending disposition of their CPL 440.10 motion presently sub judice before the Supreme Court, New York County,

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:

  
DAVID SPOLBERG

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. McGuire  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5143  
Ind. No. 3372/07

Woody Chapuseaux,  
Defendant-Appellant.

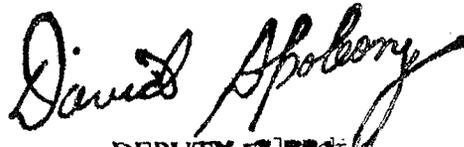
-----X

Counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 17, 2008, without prejudice to reinstatement at such time appellant 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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. McGuire  
Sallie Manzanet-Daniels, Justices.

-----X  
Sonya Cumberbatch,

Plaintiff-Appellant,

-against-

M-5104  
Index No. 23641/06

Yaque Luxury Transportation, Inc. and  
Mohammed Moctar-Nech,

Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 16, 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 and the appeal is dismissed.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. McGuire  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Camila Crystal G. R.,

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

M-5253  
Docket No. NN15563/06

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

Josefina R.,  
Respondent-Appellant.

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

-----X  
An appeal having been taken by respondent mother from a non-final order of the Family Court, New York County, entered on or about February 19, 2009,

And the Law Guardian having moved for an order dismissing 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 and the appeal is dismissed without prejudice to further proceedings by respondent mother in the Family Court.

ENTERED:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. McGuire  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Bridget de Socio,

Plaintiff-Respondent,

-against-

M-5503  
Index No. 102850/06

136 East 56<sup>th</sup> Street Owners, Inc. and  
Heron Ltd.,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 5, 2009 (mot. seq. no. 001),

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

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

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. McGuire  
Sallie Manzanet-Daniels, Justices.

-----X  
Awards.Com, LLC and Inspire Someone,  
LLC,  
Plaintiffs-Respondents,

-against-

M-5304  
Index No. 603105/03

Kinko's, Inc.,  
Defendant-Appellant,

Federal Express Corp., et al.,  
Defendants.

-----X

Plaintiffs-respondents and defendant-appellant having jointly moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about February 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 to the extent of enlarging the time in which to perfect the appeal to the September 2010 Term.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-5156  
Ind. No. 72/97

Alejandro Perez,

Defendant-Appellant.  
-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 26, 1998,

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

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

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
In the Matter of

Jordan N.,

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

M-5197  
Docket No. B3217/09

-----  
The Children's Aid Society,  
Petitioner-Respondent,

Yolanda R.,  
Respondent-Appellant.

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

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about September 14, 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:

  
DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

PRESENT - Hon. Angela M. Mazzaelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Pinhas Zachery,

Plaintiff,

-against-

M-5053  
Index No. 570594/98

Crystal Biton,

Defendant.  
-----X

Defendant having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Appellate Term on or about October 26, 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.

ENTERED:

  
DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Helen E. Freedman  
Nelson S. Román, Justices.

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

Vincent P., M-5247

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

-----  
Seaman's Society for Children and  
Families, et al.,  
Petitioners-Respondents,

Action No. 1  
Docket Nos. B9291/02

Andrew P.,  
Respondent-Respondent,

Dorothy P.,  
Respondent.

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

-----X  
In the Matter of

Vincent P. and  
Claudette P.,

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

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

Action No. 2  
Docket Nos. V8217-8/08  
V8220-1/08  
N1261-00/07  
N1262-00/07

Dorothy P.,  
Respondent-Appellant,

Andrew P.,  
Respondent.

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

-----X

An appeal having been taken by the Law Guardian on behalf of the children in Action No. 1 from the order of the Family Court, New York County, entered on or about December 15, 2008,

And an appeal having been taken by respondent mother in Action No. 2 from the order of said Family Court entered on or about January 9, 2009,

And an order of this Court having been entered on November 19, 2009 (M-5127) abating the appeal taken by respondent-mother in Action No. 2; relieving her counsel in both actions and dismissing the appeal in Action No. 2 by reason of appellant's death,

And a stipulation having been submitted by assigned counsel for decedent respondent-appellant, the law guardian and petitioners-respondents withdrawing the aforesaid appeal in Action No. 2 because of the death of respondent-appellant,

Now, upon reading and filing the aforesaid stipulation and due deliberation having been had thereon,

It is ordered that the stipulation with respect to the previously dismissed appeal is deemed filed. (See the order of this Court entered November 19, 2009 [M-5127]).

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Antoni Wilinski, et al.,

Plaintiffs-Respondents,

-against-

M-5475  
Index No. 117632/05

334 East 92<sup>nd</sup> Housing Development  
Fund Corp., et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 23, 2009 (mot. seq. no. 001), and said appeal having been perfected,

And plaintiffs-respondents having moved for an order enlarging the record on appeal to include various appellate and supreme court records, briefs and decisions,

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:

  
DAVID SAXE  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 5, 2010.

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

-----X  
Kevin Weems,

Plaintiff-Appellant,

-against-

M-4935  
Index No. 404739/06

The City of New York, et al.,

Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about November 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 and the appeal is dismissed.

ENTER:

  
DEPUTY CLERK.

**PM ORDERS**

**ENTERED**

**DECEMBER 29, 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 December 29, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
David B. Saxe  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X  
Sandra Espinoza, as Mother and Natural  
Guardian of Caly Espinoza, an Infant,  
and Sandra Espinoza, Individually,  
Plaintiffs-Respondents,

-against-

M-5557  
Index No. 107747/07

Federated Department Stores, Inc.,  
Macy's East, Inc.,  
Defendants-Respondents,

Mainco Services Company, Mainco  
Elevator & Electrical Corp, Mainco  
Elevator Co.,  
Defendants-Appellants.

-----X

Defendant Mainco Elevator Co. having moved for an order staying the trial in the above-entitled action pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, New York County, entered on or about September 30, 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.

ENTER:

  
Clerk  
DEPUTY 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 December 29, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
The Plaza PH2001, LLC,  
Plaintiff-Appellant,

-against-

Plaza Residential Owner LP, et al.,  
Defendants-Respondents.

M-5296  
Index No. 602673/08

-----X

Plaintiff-appellant having moved for an order staying the release to defendant of plaintiff's funds held in escrow pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 17, 2009 (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 on condition that the appeal is perfected on or before February 1, 2010 for the April 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:

  
DEPUTY 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 December 29, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Dianne T. Renwick  
Nelson S. Roman, Justices.

-----X  
Mary Wallace, as Executrix for the  
Estate of Kenneth Wallace, and Mary  
Wallace, Individually,  
Plaintiffs-Respondents,

-against-

M-5562  
Index No. 115189/07

Bell & Gossett Company, et al.,  
Defendants,

-and-

York International Corporation,  
Defendant-Appellant.

-----  
The American Association for Justice,  
New York State Trial Lawyers  
Association and Public Justice,

Amicus Curiae.

-----X  
An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about August 31, 2009, and said appeal having been perfected for the January 2010 Term,

And The American Association for Justice, New York State Trial Lawyers Association and Public Justice having moved for leave to file a brief amicus curiae in connection with 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 and the 10 amicus curiae briefs submitted with the moving papers herein are deemed filed for the January 2010 Term.

ENTER:



DEPUTY CLERK

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 December 29, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
David B. Saxe  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

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

-against-

M-5501  
Ind. No. 3432/06

Federico Ortiz,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 14, 2007,

And defendant-appellant having moved for an order enlarging the record on appeal to include the exhibits attached to the moving papers 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.  
DEPUTY CLERK