

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 26, 2010

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

-----X
Hampton Hall Pty., Ltd.,
Plaintiff-Appellant,

-against-

M-189X
Index No. 602526/08

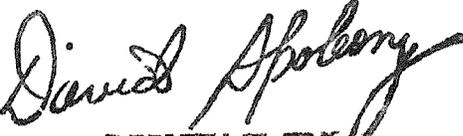
Global Funding Services, Ltd., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 11, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated January 11, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2010.

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

-----X

Morayo Fakia,
Plaintiff-Respondent,

-against-

M-235X
Index No. 24107/05

Concerned Dental Care, P.C., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 28, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 12, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2010.

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

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

Elijah M. R., also known as Elijah J.,

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

M-5786

Docket No. B-21026/04

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

Antoinette J.,
Respondent-Appellant.

Judith Waksberg, Esq., Juvenile
Rights Division, Legal Aid Society,
Law Guardian for the Child.
-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about March 25, 2008,

And counsel for respondent-appellant having moved to withdraw the appeal,

Now, upon reading and filing the affirmation of counsel filed December 22, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is deemed 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 26, 2010.

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

-----X
Board of Managers of 60 East 88th
Street Condominium Associates,
Plaintiff-Appellant,

-against-

M-190X
Index No. 109715/03

Andrew Stein,
Defendant-Respondent/
Appellant-Respondent,

-and-

David Kuo Liang Yang,
Defendant-Respondent/
Respondent-Appellant.

-----X

Appeals and a cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 29, 2009 (mot. seq. no. 017),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 11, 2010, 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:


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 26, 2010.

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

-----X
Danilo Fortunato,
Plaintiff-Respondent,

-against-

City of New York and Northeastern
Conference Corporation of Seventh
Day Adventists,
Defendants-Respondents,

M-205
Index No. 13503/06

-and-

New York City Transit Authority
and Manhattan and Bronx Surface
Transit Operating Authority,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 3, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated January 7, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2010 Term, 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 26, 2010.

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

-----X
Arcelormittal USA, Inc., ISG
Acquisition Inc., Mittal Steel
USA-Venture Inc., ISG Technologies
Inc., and Mittal Steel USA-Railways
Inc.,
Plaintiffs-Respondents,

-against-

M-225X
Index No. 601403/08

Esmark Incorporated,
Defendant-Appellant,

-and-

E2 Acquisition Corporation and BIP
Acquisition Sub, Inc.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 25, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 12, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2010 Term, 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 26, 2010.

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

-----X
In the Matter of

The City of New York; The New York City Mayor's Office of Labor Relations; and James F. Hanley, as Commissioner of the New York City Mayor's Office of Labor Relations,
Petitioners,

M-3489
M-5809
Index No. 2451/08

For a Judgment, Pursuant to Article 78 of the CPLR,
-against-

William C. Thompson, Jr., as The Comptroller of the City of New York, etc., et al.,
Respondents.

-----X

Petitioners having moved for an order, pursuant to Sections 220, et seq. of the labor Law, and Article 78, Section 7803 of the New York Civil Practice Law and Rules, annulling the order and determination of William C. Thompson, Jr., Comptroller of the City of New York in Comptroller, ex rel. Local 1087, District Council 37, AFSMCE, AFL-CIO v Office of Labor Relations, Oath Index No. 2451/08, signed June 26, 2009, and for related relief (M-3489),

And petitioners having moved to withdraw the aforesaid motion (M-5809),

Now, upon reading and filing the papers with respect to the motions, and the stipulation of the parties, filed December 23, 2009, and due deliberation having been had thereon, it is

Ordered that the motions and the petition are deemed withdrawn.

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 January 26, 2010.

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

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

-against-

M-5618
Ind. No. 6694/05

Umberto Fernandez,
Defendant-Appellant.

-----X

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

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

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

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:•

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 26, 2010.

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

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

-against-

M-5791
Ind. No. 3167/01

Mohd Majid,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Arlene Goldberg, J.) entered on or about November 12, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record 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 Goldberg as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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:


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 26, 2010.

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

-----x
Dorothy E. Gastman,
Petitioner-Appellant,

For a Judgment, etc.,
-against-

M-5620
Index No. 100219/08

Teachers Retirement System of the
City of New York,
Respondent-Respondent.
-----x

Petitioner-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 8, 2008 (mot. seq. no. 001), for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

It is ordered that the motion, to the extent it seeks poor person relief, is denied, with leave to renew upon petitioner's submission of a **detailed** notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish she has no funds or assets in which to prosecute the appeal. The time in which to perfect the appeal is enlarged to the June 2010 Term, and the motion is otherwise 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 26, 2010.

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
ex rel. Anthony DeMarta,
Petitioner-Appellant,

-against-

M-5625
Index No. 401201/09

Warden, Rikers Island Correctional
Facility and New York State Division
of Parole,
Respondent.

-----X

Petitioner-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 19, 2009, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for assignment of 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 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 26, 2010.

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

-----X
In the Matter of the Application of
Hank Richardson, Jr., et al.,
Petitioners,

For a Judgment Pursuant to Article
78 of the CPLR,

M-5781
M-5779
Index No. 401476/08

-against-

New York City Housing Authority,
Patterson Houses,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 10, 2008 (mot. seq. no. 001),

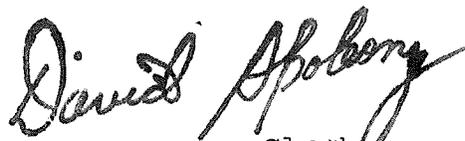
And petitioners having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioners' brief, and for other relief,

And respondent having cross-moved for dismissal of the aforesaid proceeding for failure to timely perfect,

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

It is ordered that the motion is denied and, sua sponte, the proceeding is dismissed. The cross motion is dismissed, as moot.

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 26, 2010.

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

-----X
Cabrini Terrace Joint Venture,
Petitioner-Landlord-Respondent,

-against-

M-5137
Index No. 570255/08

Charles O'Brien,
Respondent-Tenant-Appellant.

-----X

An order of this Court having been entered on July 28, 2009 (M-2737), inter alia, granting respondent-tenant-appellant leave to appeal to this Court from the order of the Appellate Term entered in the Office of the Clerk of the Supreme Court, New York County, on or about April 29, 2009,

And an order of this Court having been entered on October 8, 2009 (M-3880/M-3957), enlarging respondent-tenant-appellant's time to perfect the appeal to the February 2010 Term, and continuing the stay of eviction afforded by the order of a Justice of this Court entered on June 10, 2009,

And petitioner-landlord-respondent having moved for reargument of the aforesaid order entered October 8, 2009, with respect to use and occupancy,

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 26, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson
Sheila Abdus-Salaam, Justices.

-----X
Eli Verschleiser, et al.,

Plaintiffs-Appellants,

-against-

M-22

Index No. 110709/06

American Water Enterprises 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 October 16, 2009 (mot. seq. no. 008),

And plaintiff-appellant having moved for an order staying the trial, pending hearing and determination of the appeal,

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

It is ordered that the motion is granted.

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 26, 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,
Respondent,

-against-

M-5539
Case No. 32162C/05

Virgilio Samo,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 11, 2009 (M-3195), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 17, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel 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, Tel. 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:


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 26, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
James M. McGuire
Dianne T. Renwick, Justices.

-----X
Health Insurance Plan of Greater
New York,
Plaintiff-Appellant-Respondent,

-against-

M-4067
Index No. 601984/04

Photobition New York, Inc.,
Defendant-Respondent-Appellant,

Ferranti International, Inc., et al.,
Defendants.

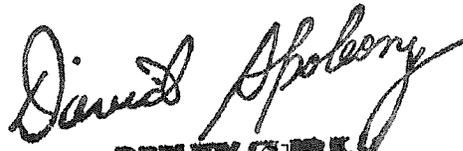
-----X

Plaintiff-appellant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 4, 2009 (Appeal No. 480N),

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 26, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-5239
Ind. No. 3228/07

Angel Beauchamp,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 14, 2009 (M-2755), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 19, 2009, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:


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 26, 2010.

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

-----X
Felicia Aljoe,

Plaintiff-Appellant,

-against-

M-5536
Index No. 21765/06

The Best Auto Corp., V.I.T. Car Service,
Inc., and "John Doe" said name being
fictitious and unknown,

Defendants-Respondents.
-----X

Defendant-respondent Best Auto Corp. having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about February 6, 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 26, 2010.

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

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

-against-

M-5580
Ind. No. 116/03

Stephan Pitts,
Defendant-Appellant.

-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 26, 2010.

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

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

-against-

M-5712
Case No. 99151/08

Andres Segura,
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 (Megan Tallmer, J.) entered on or about December 1, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record 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 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 Tallmer as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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:


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 26, 2010.

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

-----X
Muriel Siebert,

Plaintiff-Appellant,

-against-

M-5417
Index No. 117696/05

Nicholas Dermigny,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 19, 2009 (Appeal Nos. 104, 104A),

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 26, 2010.

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

-----X
In re Liquidation of Union Indemnity
Insurance Company of New York.

- - - - -
The Superintendent of Insurance of
the State of New York, etc.,
Plaintiff-Respondent,

M-5758
Index No. 401738/99

-against-

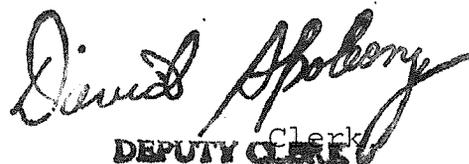
Robert A. Spira,
Defendant-Appellant.

-----X
Defendant-appellant having moved for an enlargement of time in which to file a motion for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 10, 2009 (Appeal Nos. 1398, 1399),

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

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 26, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Helen E. Freedman
Nelson S. Román, Justices.

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

Respondent,

-against-

M-5605
Ind. No. 7180/96

Antonio Mallet,

Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on December 12, 2000 (Appeal No. 2574),

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 26, 2010.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
In re Krista Martino,
Petitioner-Appellant,

-against-

Southbridge Towers, Inc.,
Respondent,

M-5805
Index No. 402711/07

New York State Division of Housing and
Community Renewal
Respondent-Respondent.
-----X

Petitioner-appellant 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 December 1, 2009 (Appeal No. 1597),

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 26, 2010.

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

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

-against-

M-5579
Ind. No. 6191/07

Ronald Brown,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 19, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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, 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 26, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Violetta Khotyanova,
Plaintiff-Appellant,

-against-

M-5419
Index No. 27130/02

New York Community Hospital and
Merab Krikhely, M.D.,
Defendants-Respondents.

-----X

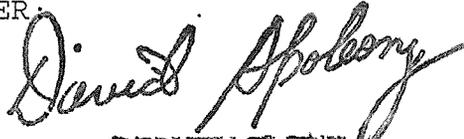
An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about July 3, 2008,

And plaintiff-appellant having moved for a further enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is denied 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 26, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
In the Matter of

Ashley B. and Amere B.,

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

M-5366
Docket Nos. B18015/07
B18016/07

St. Dominic's Home, et al.,
Petitioners-Respondents,

Christopher Y.,
Respondent-Appellant.

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

-----X

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

And petitioners 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 denied, with leave to petitioners to renew upon a demonstration of service of the moving papers upon respondent-appellant father at his last known address after diligent inquiry as to same, and upon service upon assigned counsel for petitioner in Family Court.

ENTER:

David Apokony
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 26, 2010.

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

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

-against-

M-5604
Ind. No. 508/09

Miguel Caban,
Defendant-Appellant.

-----X

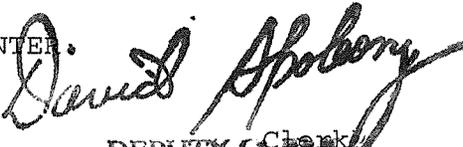
Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 25, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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.

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 26, 2010.

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

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

-against-

M-5578
Ind. No. 2238/08

Kirk Hanley,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 28, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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:

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 26, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Leonard Boyce, et al.,
Plaintiffs-Respondents,

-against-

M-5481
Index No. 21508/99

Gumley-Haft, Inc.,
Defendant,

Bernard Spitzer,
Defendant-Appellant.

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

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 3, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 26, 2010.

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

-----X
Richard Pu,

Plaintiff-Appellant,

-against-

M-5723
Index No. 602986/06

George Mitsopoulos, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of and/or clarification of the decision and order of this Court entered on November 19, 2009 (Appeal No. 1525),

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 26, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Miriam Martinez,
Plaintiff-Appellant,

-against-

M-5658
Index No. 7104/01

Abbie Fields, M.D., Montefiore
Medical Center, Jonathan Fleischman,
M.D., Berkirov & Stone & Fleischman,
M.D., P.C., Gulshan Nazir, M.D.,
and Bronx-Lebanon Hospital Center,
Defendants-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about November 21, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 26, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Javier Perez, an infant by his
mother and natural guardian,
Gabriella Torres,
Plaintiff-Appellant,

-against-

M-5729
Index No. 16565/03

New York City Health and Hospitals
Corporation (Lincoln Medical and
Mental Health Center),
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about March 12, 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 June 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 26, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Sandy LoFaso, et al.,
Plaintiffs-Appellants,

-against-

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

M-5378
Index No. 104621/00

Metropolitan Life Insurance Company,
Inc., et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 6, 2009 (Appeal No. 1119),

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 26, 2010.

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

-----X
In the Matter of the Application of
Michael Chenkin,
Petitioner-Appellant,

For a Judgment, etc.,

M-5180
Index No. 107647/07

-against-

The New York City Council,
Respondent-Respondent.

-----X

An order of this Court having been entered on October 27, 2009 (M-4227), sua sponte dismissing petitioner's appeal taken from the order of the Supreme Court, New York County, entered on or about January 31, 2008,

And petitioner having moved for clarification of the aforesaid order of this Court and for the reinstatement of the appeal,

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

Ordered that the motion is granted to the extent of vacating this Court's order entered on October 27, 2009 (M-4227) to the extent said order sua sponte dismissed petitioner's appeal, and reinstating petitioner's appeal for the April 2010 Term on condition that on or before February 1, 2010 petitioner files 10 copies of a supplemental appendix that includes all of the exhibits appended to, and made part of, respondent's verified answer.

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 26, 2010.

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

-----x
Bruce Ovitz, etc.,

Plaintiff-Respondent,

-against-

M-5633
Index No. 603692/08

Bloomberg L.P., et al.,

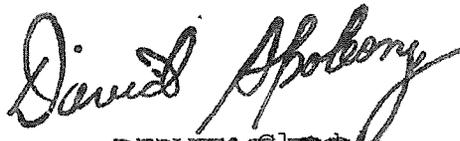
Defendants-Appellants.
-----x

Defendants-appellants having moved for a stay of discovery pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about October 7, 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 26, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

-----X
J. Virgil Waggoner, et al.,

Plaintiffs-Appellants,

-against-

M-4933
Index No. 602192/07

Kenneth A. Caruso, et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order entered on September 29, 2009 (Appeal No. 189),

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 that it seeks reargument, is denied. The motion, to the extent that it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:


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 26, 2010.

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

-----X
Henry Anderson, Jr.
Plaintiff-Appellant,

-against-

M-5234
Index No. 14914/05

Delaney Hamilton Vaughn,
Defendant-Respondent.

-----X

Defendant having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 28, 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 26, 2010.

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

-----X
Canal Carting, Inc., et al.,

Petitioners-Respondents,

-against-

M-5195
Index No. 107454/07

City of New York Business Integrity
Commission,

Respondent-Appellant.
-----X

Petitioners-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 29, 2009 (Appeal No. 1337),

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 26, 2010.

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

-----X
1251 Americas Associates II, L.P.,

Petitioner-Landlord-Respondent,

-against-

M-5405
Index No. 570878/07

Rock 49th Rest. Corp., d/b/a City
Crab & Lobster Co.,

Respondent-Tenant-Appellant.
-----X

Respondent-tenant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about April 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 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 26, 2010.

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

-----X
Mark Ozdoba,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against- M-5728
Index No. 110566/08

Chelsea Landmark LIC, LLC, et al.,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 30, 2009, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


DEPUTY CLERK

PM ORDERS

ENTERED

JANUARY 21, 2010

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 21, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Aunt Paul, Inc., etc., et al.,
Plaintiffs-Respondents,

-against-

Alexandra Raij, etc.,
Defendant-Appellant.
-----X

M-5828
M-123X
Index No. 601780/08

Defendant-appellant Alexandra Raij 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 March 6, 2009 (mot. seq. no. 002),

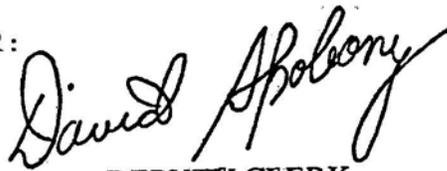
Now, upon reading and filing the papers with respect to the motion (M-5828),

And after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 6, 2010 (M-123X),

And due deliberation having been had thereon,

It is ordered that the motion for an enlargement of time in which to perfect the appeal (M-5828) is dismissed as academic, the appeal having been withdrawn in accordance with the aforesaid stipulation (M-123X).

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 21, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Retention of
Gregory E.,

An Alleged Incapacitated Person,
Petitioner-Respondent,

M-5803
Index No. 531311/09

A Patient Admitted to

Gracie Square Hospital,
Respondent-Appellant.
-----X

Respondent-appellant having moved for a stay of the order of release of the Supreme Court, New York County, entered on or about December 18, 2009, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition respondent-appellant perfects the appeal on or before February 8, 2010 for the March 2010 Term, with the respondent's brief to be served and filed on or before February 22, 2010, and the reply brief, if any, to be served and filed on or before March 1, 2010 for said March 2010 Term. The Clerk is directed to calendar the appeal for hearing in the second week of said March 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 January 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Tamara Hernandez,
Plaintiff-Respondent,

-against-

M-63
Index No. 24840/00

St. Barnabas Hospital,
Defendant-Respondent,

Otis Elevator Company,
Defendant-Appellant,

Delta Elevator Service Corporation,
Defendant.

-----X

Defendant-appellant Otis Elevator Company having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 24, 2009,

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

It is ordered that the motion 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 January 21, 2010.

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

-----X
Paul Kocourek,

Plaintiff-Appellant,

-against-

Booz Allen Hamilton Inc. and Booz &
Company, Inc.,

Defendants-Respondents.
-----X

M-4162
Index No. 602224/08

Defendants-respondents having moved for dismissal of the appeal from the order of Supreme Court, New York County, entered on or about July 2, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk
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 21, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Accounting of the Public
Administrator of the County of
New York as Administrator c.t.a.
of the Estate of

M-5821
File No. 1737/1992

Abraham Rad, also known as
Abraham Farin Rad,

Deceased,

Nahid Rad,

Objector-Appellant.
-----X

An appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about October 30, 2008,

And Sidney Baumgarten, Esq., Devereaux Baumgarten, having moved to withdraw as counsel for objector-appellant,

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

Ordered that the motion to withdraw as counsel is granted on condition counsel for objector-appellant serves a copy of this order on all parties within 10 days of the date of entry hereof.

ENTER:



DEPUTY CLERK