

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 28, 2010.

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

-----X
General Electric Capital Corporation,
et al.,

Plaintiffs-Respondents,

-against-

M-236X
Index No. 600132/08

New York Medscan, L.L.C., et al.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 26, 2008 (mot. seq. no. 001),

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 28, 2010.

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

-----X
Wausau Business Insurance Company,

Plaintiff-Respondent,

-against-

M-237X
Index No. 117859/06

Travelers Property Casualty Company
of America, formerly known as The
Travelers Indemnity Company of
Illinois,

Defendant-Appellant,

Fireman's Fund Insurance Company,

Defendant-Appellant.
-----X

Appeals having been taken by the respective defendants from the order of the Supreme Court, New York County, entered on or about March 9, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulations of the parties hereto, both "so ordered" January 11, 2010, and due deliberation having been had thereon,

It is ordered that the respective appeals are withdrawn in accordance with the aforesaid stipulations.

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 28, 2010.

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

-----X
Alberto Cardoso,
Plaintiff-Respondent,

-against-

M-261X
Index No. 602667/08

Guinada Inc., et al.,
Defendants,

Tasheen Haider Syed,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 7, 2009 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 14, 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 28, 2010.

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

-----X
Metro Foundation Contractors, Inc.,

Plaintiff-Respondent-Appellant/
Plaintiff-Appellant,

-against-

M-238X
Index No. 600520/09

Marco Martelli Associates, Inc.,

Defendant-Appellant-Respondent/
Defendant-Respondent,

Village Care of New York, Inc.,

Defendant.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 16, 2009 (mot. seq. no. 004), and an appeal having been taken from the order of said Court, entered on or about October 20, 2009,

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 28, 2010.

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

-----X
Carema Hill,

Plaintiff-Respondent,

M-139

Index No. 100647/07

-against-

HVT, Inc. and Liza Tomanelli,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 25, 2008 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, filed 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 28, 2010.

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

-----X
Barbara Cassidy,
Plaintiff-Respondent,

-against-

M-183
Index No. 114187/06

Lexreal Associates Limited
Partnership, of Lex Associates
and Boston Properties Limited
Partnership,
Defendants,

Slattery Skanska, Inc.,
Gottlieb Skanska, Inc.,
and Minelli Construction,
Co., Inc.,
Defendants-Appellants.

-----X
Lexreal Associates Limited
Partnership and Boston Properties
Limited Partnership,

Third-Party Plaintiffs,

Third-Party
Index No. 590103/07

-against-

New York City Transit Authority,
Metropolitan Transportation Authority,
Third-Party Defendants,

Slattery Skanska, Inc., Gottlieb
Skanska, Inc., and Minelli
Construction Co., Inc.,
Third-Party Defendants-Appellants.

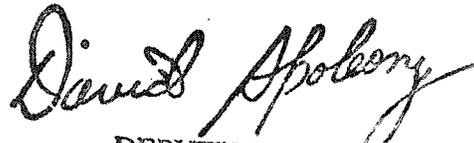
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about December 4, 2008 (mot. seq. no. 001) and March 30, 2009 (mot. seq. no. 003), respectively,

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, 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 28, 2010.

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

-----X
TPVI Ltd. and Technip Italy S.P.A.,

Plaintiffs-Appellants,

-against-

M-213
Index No. 601158/08

Hovensa L.L.C.,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 13, 2009 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed January 13, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 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 28, 2010.

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

-----X
Loushema Lott-Coakley, an infant under the age of 14 years, by her Parent and Natural Guardian, Sherima Lott-Coackley, and Sherima Lott-Coakley, Individually,

Plaintiffs-Respondents,

M-233
Index No. 22509/05

-against-

Ann-Gur Realty Corporation and Miguel Nieves,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 8, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed January 13, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2010 Term, 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 28, 2010.

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

-----X
National Fire Insurance Company of
Hartford, as successor by merger to
Transcontinental Insurance Company;
Continental Insurance Company, as
successor-in-interest to certain
policies issued by Harbor Insurance
Company,

Plaintiffs,

-against-

Travelers Casualty and Surety Company,
formerly The AETNA Casualty and Surety
Company, et al.,
Defendants,

Metex Mfg. Corporation,
Defendant-Cross Claim
Plaintiff-Respondent,

-against-

Liberty Mutual Insurance Company,
Defendant-Cross Claim
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 8, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed January 11, 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 28, 2010.

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

-----X
Corinne Purcell and Raymond Purcell,

Plaintiffs-Respondents,

-against-

M-5565
Index No. 307539/08

The City of New York,

Defendant-Appellant.
-----X

Defendant-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 December 18, 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 28, 2010.

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

-----X
Sean McGuire,
Plaintiff-Appellant,

-against-

M-5727
Index No. 18332/06

3901 Independence Owners, Inc.,
Metro Management and Development,
Inc., Everest Scaffolding, Inc.,
Skyline Restoration, Inc. and
Goodman Management Co., Inc.,
Defendants-Respondents.

-----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 March 5, 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 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 28, 2010.

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

-----X
Little West 12th St. Realty, L.P.,
doing business as Little West 12th St.
Realty Co., also known as L.W. 12th St.
Realty Co.,

Petitioner-Landlord-Appellant,

-against-

M-4814
Index No. 570380/08

Vincent Inconiglios,

Respondent-Tenant-Respondent,

-and-

"XYZ Corp.," "John Doe" and "Jane Doe,"

Respondents-Undertenants.
-----X

Petitioner-landlord having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the Office of the Clerk of the Supreme Court, New York County, on or about March 23, 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:


DISPUTY 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 28, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x
Linda Roberts,

Plaintiff-Appellant,

-against-

M-5818
Index No. 300415/02

Ari Zoldan,

Defendant-Respondent.
-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 31, 2009, August 21, 2009, October 29, 2009 and November 13, 2009, respectively,

And plaintiff-appellant having moved for, inter alia, an order staying operative provisions of the aforesaid orders, and for related relief,

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

It is ordered that the motion is granted only to the extent of continuing the relief afforded appellant by the order of a Justice of this Court, dated December 24, 2009, 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 28, 2010.

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

-----X
Charles Loihle,
Plaintiff-Respondent,

-against-

M-5358
Index No. 104438/05

Integrated Construction Enterprises,
Inc.,
Defendant-Appellant,

Everest Metals, Inc.,
Defendant-Appellant.

Integrated Construction Enterprises,
Inc.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590691/06

NCI-North East Construction Company,
Third-Party Defendant-Respondent.

-----X
Third-Party defendant NCI-North East Construction Company having moved for dismissal of the appeals taken from the order of the Supreme Court, New York County, entered on or about January 5, 2009 (mot. seq. no. 002),

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 appeals are 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 28, 2010.

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

-----x
Advanced Global Technology LLC,

Plaintiff-Appellant,

-against-

M-5511
Index No. 603680/06

Sirius Satellite Radio Inc.,

Defendant-Respondent.
-----x

Defendant-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about September 15, 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

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 28, 2010.

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

-----x
BMO Capital Markets Corp.,
Plaintiff-Respondent,

-against-

M-5530
Index No. 650382/08

Linea Aqua S.I. LLC,
Defendant-Appellant.
-----x

An order of this Court having been entered on May 19, 2009 (M-2039), granting a stay of all proceedings, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 24, 2009 (mot. seq. no. 001), on the condition said appeal be perfected for the September 2009 Term,

And an order of this Court having been entered on September 22, 2009 (M-3385), inter alia, denying plaintiff-respondent's motion for dismissal of the appeal, with leave to renew upon demonstration of service of the moving papers upon defendant at its last known business address after diligent inquiry as to same,

And plaintiff-respondent having renewed the motion for dismissal of said 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.

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 28, 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,

M-5692
-against- Ind. No. 4702/01

Patrick Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 4, 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 and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

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 28, 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-5789
Ind. Nos. 5045/00
5399/00

Raheem Taylor,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of **resentence** of the Supreme Court, Bronx County, entered on or about December 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 and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


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 28, 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
ex rel. Roosevelt Grant,

Petitioner-Appellant,

-against-

George Okada, Warden MDC, et al.,

M-5724
Index No. 402247/09

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 October 26, 2009, which dismissed a habeas corpus proceeding, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief,

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

It is ordered that the motion is granted to the extent of 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 General of the State of New York and files 10 reproduced 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

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 28, 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,

Appellant,

-against-

M-5733
Ind. No. 5780/99

Robert Haulsey,

Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about November 20, 2009, 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 granted to the extent of (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and (2) assigning, 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 counsel for purposes of responding to the appeal.

ENTER:

David Spolony
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 28, 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-

Andrew Smith,
Defendant-Appellant.

M-5731
M-5732
Ind. Nos. 8561/89
307/08

-----x

Appeals having been taken to this Court from judgments of the Supreme Court, New York County, entered on or about March 22, 1990 (Ind. No. 8561/89) and October 5, 2009 (Ind. No. 307/08), respectively,

And an order of this Court having been entered on June 20, 1996 (M-2921/D.C. 140), sua sponte, dismissing defendant's appeal from the judgment entered on or about March 22, 1990,

And defendant pro se having moved, by separate motions, for reinstatement of the appeal dismissed by the order of this Court entered on June 20, 1996 (M-5731), and for leave to prosecute the appeals as a poor person (M-5731/M-5732),

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

It is ordered that the motions are denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

David Apolony
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 28, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Maria Del Socorro Martinez,
Plaintiff-Appellant,

-against-

M-5855
Index No. 13880/06

The City of New York and 811 Walton
Tenants Corp.,
Defendant-Respondent.

-----X

An order of this Court having been entered January 12, 2010 (M-5483), granting plaintiff-appellant an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 17, 2009,

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 as academic, appellant's time in which to perfect the appeal having been enlarged to the April 2010 Term (See the order of this Court entered on January 12, 2010 [M-5483]).

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 28, 2010.

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

-----X
US Express Leasing, Inc.,

Plaintiff-Appellant,

-against-

M-5628
Index No. 600305/08

Elite Technology (NY), Inc., doing
business as Elite Technology Inc.,
Elite Technology Inc. and Michael
Pavone,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about March 3, 2009 (mot. seq. no. 001) and on or about October 30, 2009 (mot. seq. no. 002),

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 appellant to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

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 28, 2010.

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

-----x
First Republic Group Realty, LLC and
FRGR Managing Member, LLC,
Plaintiffs-Appellants,

-against-

Citigroup Global Markets Realty Corp.,
Defendant-Respondent.

Citigroup Global Markets Realty Corp.,
Counterclaim-Plaintiff,

M-3409
Index No. 601743/08

-against-

First Republic Group Realty, LLC and
FRGR Managing Member, LLC,
Counterclaim-Defendants,

-and-

Moses Stern, also known as
Mark Stern,
Additional Defendant on
Counterclaims.

-----x
Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about February 4, 2009 (mot. seq. no. 003) and March 9, 2009 (mot. seq. no. 007), respectively,

And defendant-respondent Citigroup Global Markets Realty Corp. having moved for dismissal of the appeal from the order entered on or about March 9, 2009 or, in the alternative, to enlarge the record on appeal to include evidence of a June 23, 2009 foreclosure sale,

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

It is ordered that the motion is granted to the extent of enlarging the record on appeal to include Exhibits I, J, K, L and M to the moving papers. Respondent is directed to immediately serve and file 10 copies of a supplemental record forthwith, and the motion is otherwise denied. The appeal is adjourned 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 28, 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
ex rel. Andre Steadman,
Petitioner-Appellant,

-against-

M-5425
Index No. 341080/08

Warden, Ana M. Kross Center, and
New York State Division of Parole,
Respondents.

-----X

Petitioner-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about June 15, 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,

Sua sponte, the appeal is dismissed as moot, and the motion is denied as academic.

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 28, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
James M. McGuire, Justices.

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

-against-

M-5689
Ind. No. 6622/05

Donald Medard,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 21, 2006, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Alexander Lombard, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER


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 28, 2010.

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

-----X
M.G. Brothers,

Plaintiff-Appellant,

-against-

M-5641
Index No. 600609/08

ANI Industries LLC, Habib American Bank, Air Tiger Express (USA), Inc., G.E. Logistics, Inc., Ritesh Mahtani and Navine Mahtani,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about February 4, 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 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 28, 2010.

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

-----X
Accounting of

Bruce Hyman,
Co-Executor Respondent,
as Co-Executor of the Estate of

M-5680
File No. 1024-2002

Malcolm A. Hyman,
Deceased,

Frederic Hyman,
Co-Executor Appellant
-----X

Co-executor appellant having moved for an enlargement of time in which to perfect the appeal taken from the decree of the Surrogate's Court, New York County, entered on or about December 10, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 28, 2010.

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

-----X
Denise Thomas,
Plaintiff-Respondent,

-against-

M-5754
Index No. 400994/08

Sancho Cab Corp. and Moazzam Ahmed,
Defendants-Appellants,

-and-

Adrian Booker,
Defendant-Appellant.

-----X

Defendants-appellants Sancho Cab Corp. and Moazzam Ahmed having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal(s) taken from the order of the Supreme Court, New York County, entered on or about October 29, 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(s) are perfected on or before March 22, 2010 for the June 2010 Term. Upon failure of either movants or appellant Booker to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant(s) within 10 days after the date of entry hereof.

ENTER:


DEPUTY CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-5607
Ind. Nos. 261/79
427/79

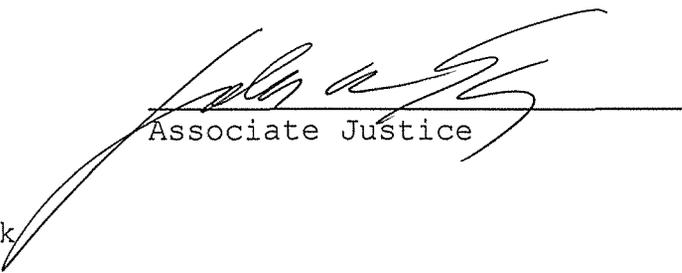
-against-

CERTIFICATE
DENYING LEAVE

Ramon Alvarez,

Defendant.

-----X
I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about March 23, 2009 (Roger S. Hayes, J.) is hereby denied.


Associate Justice

Dated: January 18, 2010
New York, New York

ENTERED: JAN 28 2010

PM ORDERS

ENTERED

JANUARY 26, 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 26, 2010.

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

-----X
Ace Fire Underwriters Insurance
Company, etc., et al.,
Plaintiffs,

Pacific Employers Insurance Company,
Plaintiff-Respondent,

-against-

ITT Industries, Inc., etc.,
Defendant-Appellant,

M-5802
M-5849
Index No. 600133/06
(mot. seq. nos. 042 & 044)

U.S. Silica Corporation, etc. et al.,
Defendants.

-----X
Ace Fire Underwriters Insurance
Company, etc., et al.,
Plaintiffs-Appellants,

-against-

ITT Industries, Inc., etc.,
Defendant-Respondent,

U.S. Silica Corporation, etc., et al.,
Defendants,

Affiliated FM Insurance Company,
Defendant-Appellant,

Index No. 600133/06
(mot. seq. no. 048)

Allianz Underwriters Insurance
Company, et al.,
Defendants,

OneBeacon America Insurance Company,
etc.,
Defendant-Appellant,

Underwriters at Lloyd's of London, et al.,
Defendants-Appellants.
-----X

Defendant-appellant ITT Industries, Inc., etc., having taken an appeal from the order of the Supreme Court, New York County, entered on or about July 20, 2007 (mot. seq. nos. 042 & 044),

And an appeal having been taken from the order of said Court entered on or about August 21, 2007 (mot. seq. no. 048) by plaintiffs Ace Fire Underwriters Insurance Company, etc., et al.,

And separate appeals having been taken from the aforesaid order entered on or about August 21, 2007 by defendants, Affiliated FM Insurance Company; OneBeacon America Insurance Company, etc.; and Underwriters at Lloyd's of London, et al.,

And plaintiffs-appellants having moved to enlarge the record on appeal with respect to motion sequence numbers 042 and 044 to include Exhibits A-D attached to the affirmation of Melvin R. Shuster, Esq. in support of the motion (M-5802),

And defendant-respondent ITT Industries, Inc. having cross-moved to enlarge the record on appeal with respect to motion sequence number 048 to include Exhibits A & B attached to the affirmation of David A. Luttinger, Jr., Esq. in support of the cross-motion (M-5849),

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 and cross-motion (M-5802/M-5849) are granted to the extent of directing the respective parties each to serve and file 10 copies of a supplemental record with this Court on or before February 8, 2010 for the April 2010 Term, to which Term the appeals are adjourned.

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. David Friedman, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
ING Prime Rate Trust, et al.,

Plaintiffs-Respondents,

-against-

M-70

Index No. 600906/09

Freescale Semiconductor, Inc.,

Defendant-Appellant.
-----X

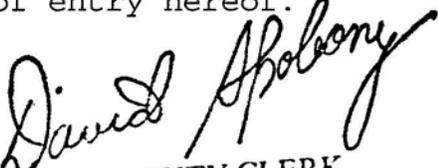
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 4, 2009 (mot. seq. no. 001),

And defendant-appellant having moved for a stay of all proceedings, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that defendant does not take any steps to issue new debt while the stay is in effect. Upon failure by defendant to meet said condition, plaintiffs may move by motion on notice to vacate the stay, provided that plaintiffs serve a copy of this order upon appellant within 10 days after the date of entry hereof.

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. David B. Saxe,
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam,

Justice Presiding,

Justices.

-----x
Jacqueline Aguilar Taylor and Harvey
Garner, as the Administrator of the
Estate of Henrietta Garner,
Petitioners-Appellants,

-against-

M-5513
Index No. 117944/06

New York State Division of Housing and
Community Renewal and Amalgamated
Warbasse Houses, Inc.,
Respondents-Respondents.
-----x

An appeal and amended appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 25, 2008 (mot. seq. nos. 001 and 003) and an appeal having been taken from the order of said Court entered on or about January 21, 2009 (mot. seq. no. 004), and said appeals having been consolidated,

And petitioners-appellants having moved for an enlargement of time in which to perfect the consolidated appeals as a poor person,

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 appellants to perfect the appeal upon an original record and upon a reproduced appellants' brief, on condition that appellants serve 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. Appellants are permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time in which to perfect the appeal is enlarged to on or before February 22, 2010 for the May 2010 Term, with no further enlargements to be granted.

ENTER:



DEPUTY CLERK

Clerk