

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

-against-

**M-4497**  
Ind. No. 3695/10

Charles Perkins,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 18, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated October 4, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

-----X  
Core Group Marketing, LLC,  
Plaintiff-Respondent,

-against-

158 Madison Avenue Associates,  
Defendant-Appellant.  
-----X

M-4552X  
Index No. 114007/08

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 7, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 6, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



\_\_\_\_\_  
CLERK









At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4711**

DC #59

Ind. No. 2682/07

Alonzo Jacobs,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about July 23, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

**M-4714**

DC #64

-against-

Ind. Nos. 3278/05

714/04

Jason Johnson,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 16, 2008 and from the judgment(s) of **resentence** of said Court rendered on or about September 18, 2008 and September 24, 2008, respectively,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4715**

DC #65

Ind. No. 5804/06

Lionel Johnson,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 28, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

**M-4716**

DC #66

-against-

Ind. No. 86/05

Maleek M. Jones, also known as Maleek Jones, also known as Jermaine Stroman, Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 12, 2005,

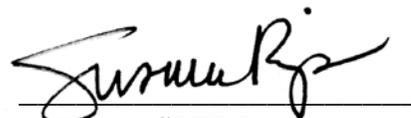
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4718**

DC #69

Ind. No. 3944/07

Michael Lewis,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about January 8, 2010,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

-----X

The People of the State of New York,  
Respondent,

**M-4720**

DC #71

-against-

Case No. 36362C/08

Pedro Lizaldo,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 1, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4722**

DC #74

Ind. No. 650/08

Vincent Luckerson,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 10, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4724**

DC #77

Ind. No. 2111/09

John Marshall,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 3, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4727**

DC #81

Ind. No. 3339/08

Edwin Medina,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 5, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

Isaac Morales,  
Defendant-Appellant.  
-----X

**M-4728**

DC #83

Ind. No. 1152/09

Case No. 7653C/09

An appeal having been taken to this Court by defendant from judgments of the Supreme Court, Bronx County, rendered on or about August 11, 2009 and September 8, 2009, respectively,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4731**

DC #86

Ind. No. 4454/07

Jonathan Harvez,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 30, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4733**

DC #92

Ind. No. 4982/08

Brian Payne,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 8, 2010,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

-against-

**M-4735**  
DC #94  
Case Nos. 53125C/05  
2607C/05

Rafael Perez,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 29, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4737**

DC #85

Ind. No. 2512/08

Justo Quesado,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 14, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

**M-4739**

DC #88

Ind. No. 3285/09

John Rivera,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 5, 2010,

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

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term of this Court and counsel is directed to so perfect.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

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

Respondent,

-against-

Phillip McQueary,  
Defendant-Appellant.

-----X

**M-4726**

DC #80

Ind. Nos. 6465/07

1308/09

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 10, 2009,

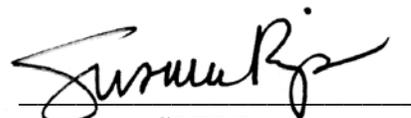
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to 60 days after receipt of all missing plea minutes, and counsel is directed to so perfect at that time.

ENTER:

  
CLERK





At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----x

Vincent Mancusi, et al.,  
Plaintiffs,

-against-

CJUF II Hanson LLC,  
Defendants,

HSBC Mortgage Construction (USA),  
Defendant-Respondent/Appellant,

M-4685  
M-5043

J.T. Magen Construction Company Inc.,  
Defendant-Respondent-Appellant,

Index No. 403065/06

Chelsea Floor Covering Acquisitions  
Corp. and John Knopf Flooring, Inc.,  
Defendants-Respondents-Appellants,

FC Hanson Office Associates, Inc.,  
Defendant-Appellant.

- - - - -  
[And other actions]

-----x

Appeals and a cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 22, 2010 (mot. seq. nos. 005, 006, 007, 008),

And an order of this Court having been entered October 6, 2011 (M-3657/M-3756/M-3792) consolidating the aforesaid appeals and cross appeal and enlarging the time in which to perfect same to the February 2012 Term,

And defendant HSBC Mortgage Construction (USA) having moved for an enlargement of time to perfect their appeal (M-4865),

And defendant J.T. Magen Construction Company Inc. having cross-moved for an enlargement of time to perfect their cross appeal (M-5043),

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 and cross motion are granted to the extent of enlarging the time in which to perfect the consolidated appeals and cross appeal to the May 2012 Term (M-4865/M-5043).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Sheila Abdus-Salaam, Justices.

-----x  
Edward Wilson, Jr.,  
Petitioner-Respondent,

For an Order and Judgment, etc.,

-against-

M-5036  
Index No. 113351/09

City of New York, et al.,  
Respondents-Appellants.

-----x

Respondents-appellants having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 28, 2011,

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 to perfect the appeal to the April 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
In the Matter of

Jacob H. and Justlii H.,

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

M-4972  
M-5236  
Docket Nos. N42599/10  
N42601/10

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

Logann K.,  
Respondent-Respondent.

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

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about August 16, 2011,

And an order by a Justice of this Court having been entered August 17, 2011, granting petitioner-appellant agency a stay to the extent of continuing the remand of the subject children and agency-supervised visits only and directing that the appeal be perfected for the December 2011 Term,

And respondent-respondent mother having moved for vacatur of the aforesaid order of a Justice of this Court entered August 17, 2011 (M-4972),

And petitioner-appellant agency having cross moved for an enlargement of time in which to perfect their appeal (M-5236),

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 granted to the extent of vacating the order of a Justice of this Court entered on August 17, 2011 unless petitioner-appellant agency perfects their appeal on or before January 30, 2012 for the April 2012 Term (M-4972). The cross-motion is granted to the extent of enlarging the time in which to perfect the appeal to said April 2012 Term and continuing the stay afforded by a Justice of this Court on August 17, 2011 on its original terms and conditions (M-5236).

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Helen E. Freedman, Justices.

-----X  
In the Matter of  
Keith Waters,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-4812  
Index No. 402740/10

New York City Police Department,  
Respondent-Respondent.

-----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 April 7, 2011, 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 serve one copy of such brief upon the attorney for respondent and file ten 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. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of the Application of  
Helen Bookhard,  
Petitioner-Appellant,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-4898  
Index No. 400870/11

-against-

New York State Office of Children  
and Family Services, et al.,  
Respondents-Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 12, 2011, to review a determination of respondents,

And petitioner-appellant having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner'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 proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-3755  
Ind. No. 2176/08

Jonathan Almonte,

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 December 9, 2010, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-3971  
Ind. No. 1381/09

Oman Guitierrez,

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 December 14, 2010, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

-----X  
In the Matter of the Application of  
Mandel T. Brock,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

M-4806  
Index No. 402467/11

NYS Family Court, et al.,  
Defendants-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 September 19, 2011, 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 denied, without prejudice to an original proceeding under CPLR with proof of service upon the Attorney General.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

Sandra C.,  
Petitioner-Appellant,

**M-4914**  
Docket No.V15314-07/10B

-against-

Enrique M.,  
Respondent-Respondent.  
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about March 25, 2011, and said appeal having been perfected,

And respondent-respondent having moved for dismissal of the aforesaid appeal,

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

Ordered that the motion is denied. Sua sponte, the appeal is adjourned to the February 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Helen E. Freedman, Justices.

-----X  
The People of the State of New York  
ex rel. Ronald Jackson,

Petitioner,

-against-

M-4840

Warden, Attica Correctional Facility,

Respondent.  
-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that said application for the writ is hereby denied and the petition dismissed.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Helen E. Freedman, Justices.

-----x  
Augusto Leyva,

Plaintiff-Respondent,

-against-

M-4894  
Index No. 310425/08

Cora Realty Co., LLC,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about January 25, 2011,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----x

The People of the State of New York,  
Respondent,

-against-

M-5011  
Ind. No. 1263/09

Christopher Buxo,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 4, 2011,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order which denied defendant's motion to quash a subpoena issued by the Office of the District Attorney of New York County, and granted same access to defendant's psychiatric records, 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 to the extent that, pending hearing and determination of the appeal, the People shall not have access to the psychiatric records in question, on condition the appeal is perfected on or before January 30, 2012 for the April 2012 Term. Upon failure to so perfect, the People may move on notice to vacate the aforesaid stay.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

-----X

In the Matter of the Application of  
Joel Diaz,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

M-4808  
Index No.105924/10

Raymond W. Kelly, as Police Commissioner  
of the City of New York, et al.,  
Respondents-Appellants.

-----X

Petitioner-respondent having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 13, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----x

Karen Kosovsky,  
Plaintiff-Respondent,

-against-

M-4608

Index No. 310418/93

Kenneth Zahl,  
Defendant-Appellant.

-----x

Appeals having been taken to this Court by defendant-appellant from the orders of the same Court and Justice of the Supreme Court, New York County, entered on or about December 21, 2010 and September 15, 2011, respectively,

And defendant-appellant having moved for consolidation of the aforesaid appeals,

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 appeals upon 8 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before February 21, 2012 for the May 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Crystal B.,  
Petitioner-Appellant,

-against-

M-3965  
Docket No. 0-3820/97

Jacob B.,  
Defendant-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to file a notice of appeal from the order of the Family Court, New York County, entered on or about May 9, 1997,

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 (See M-4266, decided simultaneously herewith).

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Crystal B.,  
Petitioner-Appellant,

-against-

M-4266  
Docket No. 30U-7956/97

Jacob B.,  
Defendant-Respondent.

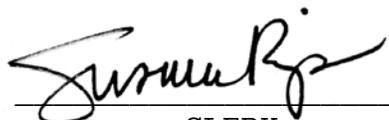
-----X

Petitioner-appellant having moved for relief in the nature of summary reversal of the proposed appeal from the order of the Family Court, New York County, entered on or about May 9, 1997,

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 (See M-3965, decided simultaneously herewith).

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
Rich Town Realty, Inc.,  
Plaintiff-Respondent,

-against-

**M-4921**

Index No. 600618/10

Kim's International, Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 4, 2011, and said appeal having been perfected,

And defendant-appellant having moved to stay enforcement of the aforesaid order 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:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Roselyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4017  
Ind. No. 528/09

Sergei Khramstov,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 28, 2011 (M-2448) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 28, 2009, and assigning Richard M. Greenberg, 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 Richard M. Greenberg, 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, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Donerail Corporation N.V.,  
Plaintiff-Respondent,

-against-

M-4794  
Index No. 602108/09

405 Park LLC,  
Defendant-Appellant.

-----  
(And another action)  
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about February 8, 2011 and from an order of the same Court and Justice entered on or about September 27, 2011, respectively,

And defendant-appellant having moved for consolidation of the aforesaid appeals,

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 appeals upon 8 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before January 30, 2012 for the April 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x  
Herzfeld & Rubin, P.C.,

Plaintiff-Respondent,

-against-

Kshel Realty Corp.,

Defendant-Appellant.  
-----x

M-4427  
Index No. 104005/09

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about March 18, 2011, and said appeal having been perfected,

And plaintiff-respondent having moved for adjournment of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence filed by Herzfeld & Rubin, P.C. dated October 18, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

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

-----X

The People of the State of New York,  
Respondent,

M-4650

M-4907

-against-

Ind. No. 2877/09

Keith Johnson,  
Defendant-Appellant.

-----X

Defendant-appellant pro se having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 19, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief (M-4650),

And defendant-appellant having separate moved for a continuation of a stay of issued by a Justice of the Supreme Court, Bronx County, on July 19, 2011, pending hearing and determination of the aforesaid appeal (M-4907),

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

It is ordered that the motion for poor person relief (M-4650) 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of 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 to the April 2012 Term.

The motion for a continuation of a stay (M-45907) is granted, and the stay of execution granted is continued on condition the defendant-appellant perfects the appeal for the said April 2012 Term.

ENTER:



A handwritten signature in cursive script, appearing to read "Susan R. Jones", is written over a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on December 6, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

Ibn Mitchell,  
Defendant-Appellant.

M-4132  
Ind. Nos 2294/04  
6852/04  
SCI No. 4949/04

-----X

Defendant 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 August 10, 2011, **denying resentence**, 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 copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-2937

Ind. No. 5080/08

Melvin Peters,

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 June 7, 2011, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Andrew B. Ostroy, et al.,  
Plaintiffs,

-against-

Six Square LLC, et al.,  
Defendants,

M-4913  
Index No. 114674/08

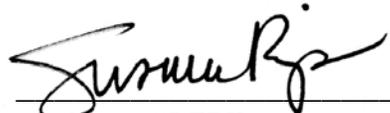
-----X  
(And a third-party action)  
-----X

Non-party District Attorney's Office of New York County 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 November 16, 2010,

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 2012 Term, with further enlargements to be granted if necessary.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----x  
Jonathan Glynn,  
Plaintiff-Appellant,

-against-

M-4971  
Index No. 106701/10

177 West 26<sup>th</sup> Street Realty Corp.,  
et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 12, 2011,

And plaintiff-appellant having moved for a stay of enforcement of the order 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 to the extent of continuing the interim relief granted by orders of Justices of this Court dated October 28, 2011 and November 1, 2011, respectively, on condition plaintiff-appellant perfects the appeal on or before January 30, 2011 for the April 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
The City of New York,  
Plaintiff-Respondent,

-against-

M-4985  
Index No. 401375/11

141 East 45th Street LLC, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2011, which granted a motion by plaintiff for a temporary closing order and allowed plaintiff to direct all persons to vacate the premises forthwith, inventory the personal property therein and secure and lock said premises,

And defendants-appellants having moved for a stay of enforcement of the aforesaid order and to enjoin plaintiffs from entering said premises, from seizing the inventory therein and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
JP Morgan Chase Bank, National  
Association,  
Plaintiff-Respondent,

-against-

M-4988  
Index No. 107099/09

Saadia Shapiro,  
Defendant-Appellant,

JPMorgan Chase Bank National  
Association, etc., et al.,  
Defendants.

-----X

Defendant-appellant Saadia Shapiro having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 11, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Westlab AG, acting by and through its  
New York Branch, individually as Lender  
and as Administrative Agent,  
Plaintiff-Respondent,

M-5058  
Index No. 600162/10

-against-

Robert W. Emmett, III, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeals from the order of the Supreme Court, New York County, entered on or about August 9, 2010, and from the judgment of said Court entered on or about June 21, 2011, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before January 30, 2012 for the April 2012 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

Romualdo Gonzalez,  
Defendant-Appellant.

M-4208  
Ind. Nos. 7876/98  
280/99

-----X

A judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on December 1, 2000, convicting defendant-appellant upon a guilty plea of murder in the second degree and conspiracy in the first degree and sentencing him as a second felony offender,

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

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

It is ordered that said application is denied. (See M-4208A, decided simultaneously herewith).

ENTER:



CLERK

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

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

M - 4208A  
Ind. Nos. 7876/98  
280/99

-against-

CERTIFICATE  
DENYING LEAVE

Romualdo Gonzalez

Defendant.

-----X

I, Sheila Abdus-Salaam, 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, entered on or about June 10, 2011 is hereby denied. (See M-4208A decided simultaneously herewith).

*SA-S*  
\_\_\_\_\_  
Associate Justice

Dated: October 14, 2011  
New York, New York

ENTERED: **DEC - 6 2011**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-4218  
Ind. No. 1553/07

Edy Rodriguez,

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, Bronx County, rendered on or about July 28, 2010, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-3819  
Ind. No. 6534/10

Eduar Bueno,

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 June 21, 2011, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-3437  
Ind. No. 2180/09

Robert Spencer,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 20, 2010 (M-3146), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 18, 2010, and assigning Robert S. Dean, Esq., as counsel to prosecute said appeal,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of said Court rendered on or about July 26, 2011 under the same indictment number,

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 amending this Court's prior order entered July 20, 2010 (M-3146) to include defendant's appeal from the judgment of **resentence** rendered on or about July 26, 2011 under the same indictment number, and the poor person relief previously granted, including the assignment of counsel, is extended to cover same.

ENTER:

  
CLERK

PM ORDERS

ENTERED ON

DECEMBER 6, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2011.

PRESENT: Hon. James M. Catterson, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of  
The Honorable Lee L. Holzman,  
Petitioner-Appellant,

-against-

M-4508  
Index No. 108251/11

The Commission on Judicial Conduct,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for 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 September 22, 2011,

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.

All concur except Catterson, J., who dissents as follows:

Catterson, J. (dissenting)

I respectfully dissent because in my view we should grant petitioner's application, in part, to the extent of staying any hearing by the Commission until the conclusion of the criminal trial of Michael Lippman, Esq. Should Mr. Lippman be acquitted of all the charges against him, he would be available to testify in the proceedings against Surrogate Holzman.

In my view, this is the more prudent course of action at this point in time. It will allow the Surrogate to present a complete defense and will remove any argument that we are being precipitous in allowing the proceeding to go forward against the duly elected Surrogate when he is precluded from calling his chosen fact witness.

ENTER:



CLERK