

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 March 18, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-5420
Ind. No. 4427/08

Olivia Purser,

Defendant-Appellant.
-----x

Assigned counsel for defendant having moved for dismissal of the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 21, 2009, as moot,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-5441
Ind. No. 656/01

Jose Rodriguez,

Defendant-Appellant.
-----x

Assigned counsel for defendant having moved for dismissal of the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 8, 2009, as moot,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice.
David Friedman
Dianne T. Renwick
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application of

Earl Phillips, as Financial Secretary
Treasurer, Transport Workers Union of
America, Local 100, AFL-CIO,
Petitioner-Respondent,

M-6705
Index No. 652740/13

For an Order Confirming an Arbitration
Award Under Article 75 of the CPLR,

-against-

Manhattan and Bronx Surface Transit
Operating Authority,
Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 3, 2013,

And respondent-appellant having moved for dismissal of the cross appeal taken from the aforesaid order,

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 cross appeal is 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 March 18, 2014.

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

-----X
American Zurich Insurance Company,
et al.,
Plaintiffs-Appellants-
Respondents,

-against-

M-674
Index No. 107163/10

Trans-Packer Services Corporation,
Defendant-Respondent-
Appellant,

-and-

Selective Insurance Company of
America and Selective Way Insurance
Company,
Defendants-Appellants,

-and-

The Wornick Company,
Defendant-Respondent-Appellant,

-and-

Franklin Farms East, Inc.,
Intervenor Defendant-
Respondent.

-----X

Appeals and a cross appeal having been taken from an order and judgment (one paper) entered on or about October 16, 2013, and from an order of said Court entered on or about February 14, 2013,

And defendants-respondents-appellants, Trans-Packer Services Corporation and The Wornick Company, having moved for an order dismissing the appeals taken by plaintiffs-appellants-respondents, American Zurich Insurance Company, Zurich American Insurance Company and American Guarantee & Liability Insurance Company (Zurich Appellants) and by defendants-appellants Selective Insurance Company of America and Selective Way Insurance Company (Selective Appellants),

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

It is ordered that the motion to dismiss the aforesaid appeals is granted unless the appeals are perfected on or before August 4, 2014 for the October 2014 Term. Upon failure to so perfect, an order dismissing the appeals may be entered ex parte, provided said defendants-respondents serve a copy of this order upon the aforesaid "Zurich" appellants and "Selective" appellants within 10 days after the date of entry hereof.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-4784
Ind. No. 4903/12

Terrell Dews,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 16, 2013, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as timely filed and 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) one transcript 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.

John R. Lewis, Esq., 36 Hemlock Drive, Sleepy Hollow, NY 10591, Telephone No. 914-332-8629, 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 March 18, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-5012
Ind. No. 4222/10

Eliot Ocasio,
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 September 5, 2013, 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 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 serve one copy of such brief upon the District Attorney of said county and file 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) one transcript 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.

Defendant-appellant's time in which to perfect the appeal is 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 March 18, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4988
Ind. No. 9378/98

William Green,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Ferrara, J.), entered on or about September 27, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Ferrara as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice.
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter
Darcel D. Clark, Justices.

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

-against-

M-5811
Ind. No. 4299/11

Allen Proctor,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 28, 2013 (M-2512) 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 27, 2012, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal;

And defendant, pro se, having moved for an order relieving designated counsel and assigning new counsel to prosecute 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 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 March 18, 2014.

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

-----X

61 Fifth Ave. LLC,
Plaintiff-Respondent,

-against-

M-699
Index No. 101995/12

Wilshire Limited, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the consolidated appeals from an order of the Supreme Court, New York County, entered on or about June 18, 2012 (mot. seq. no. 002), an order of the said Court entered on or about July 11, 2012 and an order and judgment (one paper) of said Court entered on or about September 12, 2012, respectively,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated November 21, 2013, 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 consolidated appeals to the September 2014 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 March 18, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----x
In the Matter of

Naomi F.,
Genesis F.
and Dennis F.,

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

M-4735
Docket Nos.
NN-35197-99/10

Administration for Children's Services,
Petitioner-Respondent,

Xiomaris S.,
Respondent-Appellant.

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

-----x
Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about December 13, 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 to perfect the appeal to the September 2014 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 March 18, 2014.

PRESENT : Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----X

Paul Hsu and Cathy Huang,
Plaintiffs-Appellants,

-against-

M-6289A
Index No. 400781/12

Liu & Shields LLP, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about February 8, 2013, and from the order of the same Court entered on or about October 16, 2013,

And plaintiffs-appellants having moved for leave to prosecute the aforesaid appeals as a poor person, to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

And an order of this Court having been entered on December 5, 2013 (M-4993) denying plaintiffs-appellants' motion for leave to prosecute said appeal as a poor person, and related relief,

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

It is ordered that the motion is granted to the extent that the appeals are consolidated and the appellant is permitted to prosecute the appeals from the aforesaid orders of the Supreme Court, New York County, entered on or about February 8, 2013 and October 16, 2013 upon 8 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the September 2014 Term, and otherwise denied. The order of this Court entered on February 20, 2014 (M-6289) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Helen E. Freedman
Roslyn H. Richter, Justice.

-----X
W & W Glass, LLC,
Plaintiff-Appellant-Respondent,

-against-

1113 York Avenue Realty Company LLC,
et al., M-594
Defendants-Respondents-Appellants, Index No. 101723/09

Pacific Law Sprinklers, et al.,
Defendants,

Sota Glazing, Inc.,
Defendant-Respondent-Respondent.

-----X

Defendants-respondents-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 30, 2014 (Appeal Nos. 11106-11107),

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 March 18, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

Nathaniel Croskey,
Defendant-Appellant.

M-5641
Ind. Nos. 4079/09
137/11

-----X

An order of this Court having been entered on March 26, 2013 (M-581), inter alia, granting defendant's 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 February 2, 2012 under Indictment No. 4079/09, and assigning Robert S. Dean, Esq., as counsel for purposes of the appeal,

And assigned counsel for defendant-appellant having moved for an order amending the aforementioned order to include the judgment of Supreme Court, New York County, rendered on or about February 2, 2012 under Indictment No. 137/11,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgment of Supreme Court, New York County rendered on or about February 2, 2012 under Indictment No. 137/11, and extending the poor person relief previously granted to cover same.

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 March 18, 2014.

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

-----X
Efraim Shurka,
Plaintiff,

-against-

M-6366
Index No. 304584/08

Jane Shurka,
Defendant-Respondent.

- - - - -

Esther Zernitsky,
Third-Party Plaintiff-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 2, 2013,

And third-party plaintiff-appellant having moved to stay enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion denied, and the interim relief granted by an order of a Justice of this Court dated December 11, 2013, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Karla Moskowitz
Judith J. Gische, Justices.

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

Respondent,

-against-

M-5809
Ind. No. 3148N/11

Tyrone Wortham,

Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 18, 2013, 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, as premature, the appeal not having yet been perfected.

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 March 18, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

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

-against-

M-6445A
Ind. No. 11953/95

Juan Brito, also known as Angel
Rivera Diaz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 26, 2013, **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, 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. The order of this Court entered on January 30, 2014 (M-6445) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz, Justices.

-----x
In the Matter of the Application of:

Edward Thornton and Thornton's Classic Studios, Inc.,
Petitioners-Appellants,

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

M-6115
Index No. 100743/13

-against-

New York City Department/Board of Education, et al.,
Respondents.

-----x
Leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about November 12, 2013, having been granted by a Justice of this Court on November 26, 2013,

And petitioners-appellants having moved for relief in the nature of a preliminary appellate injunction pending hearing and determination of the aforesaid appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the supplemental papers filed by respondent dated January 17, 2014, and due deliberation having been had thereon,

It is ordered that the motion is denied as moot, the underlying proceeding having been decided by a judgment of the aforesaid Court, entered on or about January 16, 2014.

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 March 18, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-531

Index No. 105275/07

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

NYS Department of Taxation & Finance,
et al.,
Defendants.

-----X

Plaintiff-respondent having moved for an order dismissing defendant-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about December 4, 2013 (mot. seq. no. 020),

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

It is ordered that plaintiff-respondent's motion to dismiss defendant's appeal is granted unless the appeal is perfected on or before July 7, 2014 for the September 2014 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 March 18, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Rohit Kissoon,
Petitioner-Appellant,

For a Judgment Pursuant to Article 75 M-515
of the Civil Practice Law and Rules, Index No. 102434/12

-against-

The New York City Board/Department of
Education,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about October 4, 2012, for leave to enlarge the record on appeal, and for leave to prosecute, as a poor person, the aforesaid appeal, and for related relief,

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

It is ordered that the motion is granted only to the extent of enlarging the time to perfect the appeal to the September 2014 Term and otherwise 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 March 18, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

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

Respondent,

-against-

M-5708
Ind. No. 56/11

Jimmy Delgado,

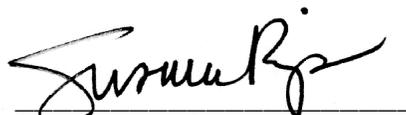
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 17, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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, Patrick Jerome Brackley, 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:


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 March 18, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

John Nevarez,
Plaintiff-Petitioner,

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

-against-

M-5912
Index No. 400240/13

Barbara J. Fiala, Commissioner,
Department of Motor Vehicles,
Defendant-Respondent.

-----X

Plaintiff-petitioner, pro se, having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 14, 2013, 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.

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 March 18, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justice.

-----X
Jumax Associates,

Plaintiff-Appellant,

-against-

350 Cabrini Owners Corp.,

Defendant-Respondent.
-----X

M-6232
Index No. 650555/10

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 29, 2013 (Appeal No. 10909),

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 March 18, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

Dystell D. Jarrett,
Defendant-Appellant.

M-5861
Ind. No. 3724/11
Case No. 58569C/11

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 11, 2013, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to pay the fee of trial counsel, Carl Belgrave, Esq., and to post the \$3,500 cash bail in the Supreme Court, the disposition thereof, 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:


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 March 18, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justice.

-----X

Lisa J. Weksler, etc.,
Plaintiff-Respondent,

-against-

M-294

Index No. 603288/07

Joseph Weksler, etc., et al.,
Defendants-Appellants,

Mitchell D. Hollander, Esq.,
et al.,
Defendants.

-----X

Defendants-appellants (Collectively referred to as the "J & B Defendants") having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 30, 2012 (mot. seq. no. 015),

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 September 2014 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 March 18, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
David B. Saxe
Darcel D. Clark, Justice.

-----X
Universal American Corp.,
Plaintiff-Appellant,

-against-

M-5690
Index No. 650613/10

National Union Fire Insurance
Company of Pittsburgh, PA,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 1, 2013 (Appeal No. 10648),

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 March 18, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Diane T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Hugh Wyatt,
Plaintiff-Appellant,

-against- **M-628**
Index No. 102228/12

Inner City Broadcasting,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 18, 2012, and said appeal having been perfected,

And defendant-respondent having moved for an order dismissing plaintiff's appeal or, in the alternative, directing plaintiff to resubmit plaintiff's appendix and include certain exhibits omitted from the originally filed appendix, and adjourning the aforesaid perfected 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 permitting defendant-respondent to serve and file 9 copies of a supplemental appendix containing Exhibits B, C, D, E, F, G, H and I to the affirmation of Erica B. Garay, Esq., dated April 30, 2012, and Exhibits A, G and J to the affidavit of Hugh Wyatt, dated September 5, 2012, if so advised, at their own expense forthwith. Sua sponte, the aforesaid perfected appeal is adjourned to the June 2014 Term. So much of defendant-respondent's motion seeking dismissal of plaintiff's appeal 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 March 18, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
City Brothers, Inc.,
Petitioner-Appellant,

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

M-530
Index No. 101324/13

-against-

Business Integrity Commission,
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about December 6, 2013,

And petitioner-appellant having moved to stay enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected for the September 2014 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 March 18, 2014.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Leland DeGrasse
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

In the Matter of

Troy B., also known as
Troy Alan B., also known
as Troy Alan D.,

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

M-355
Docket No. NA-42510/11

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

Troy D.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an "Order of Fact-Finding and Disposition and Permanency Hearing" of the Family Court, New York County, entered on or about June 26, 2013, and for assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Leland DeGrasse
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

In the Matter of the Application for the Guardianship and Custody of

Andre Joshua Howard P.,
and Jesus Michael P.,

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

- - - - -

Center For Family Representation, et al.,

Petitioners-Respondents,

M-346
Docket Nos. B-5014/12
B-5015/12

Sonia R.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 1, 2013, and an order of the same Court entered on or about October 21 2013, respectively, and for assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 18, 2014.

Present: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

Gloria Doomes, individually, and as mother and natural guardian of infant plaintiffs, Travis Doomes and Gregory Doomes, both under the age of 14 years,
Plaintiffs-Respondents,

M-83
Index No. 16893/94

-against-

Best Transit Corp., et al.,
Defendants,

Warrick Industries, Inc., doing business as Goshen Coach,
Defendant-Appellant,

J&R Tours, Ltd.,
Defendant.

-----X

(And other actions)

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 9, 2013,

And defendant-appellant having moved to stay of trial 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 the appeal is perfected on or before July 7, 2014 for the September 2014 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 March 18, 2014.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Leland DeGrasse
Paul G. Feinman
Darcel D. Clark, Justices.

-----x
Lawrence Albert Goudie,
Plaintiff-Appellant,

-against-

M-357
Index No. 154480/12

U.S. Bank National Association,
et al.,
Defendants-Respondents.

-----x
Douglas D. Brunelle and Renee C.
Brunelle,
Plaintiffs-Appellants,

-against-

Index No. 151436/12

Federal National Mortgage Association,
et al.,
Defendants-Respondents.

-----x
Susan F. Gin and Jeffrey W. Bark,
Plaintiffs-Appellants,

-against-

Index No. 157378/12

Bank of America, N.A., et al.,
Defendants-Respondents.

-----x
Brian P. Kenney,
Plaintiff-Appellant,

-against-

Index No. 157836/12

JPMorgan Chase Bank, N.A., et al.,
Defendants-Respondents.

-----x
Edward A. Hudacko and Christine M.
Hudacko,
Plaintiffs-Appellants,

-against-

Index No. 154342/12

Bank of America, N.A., et al.,
Defendants-Respondents.

-----x

-----x
 William H. Williamson,
 Plaintiff-Appellant,

-against-

Index No. 153581/12

Bank of American, N.A., et al.,
 Defendants-Respondents.

-----x
 Clara R. Smith,
 Plaintiff-Appellant,

-against-

Index No. 154346/12

The Bank of New York Mellon Corporation,
 et al.,
 Defendants-Respondents.

-----x
 John Wright and Antoinette Marino,
 Plaintiffs-Appellants,

-against-

Index No. 153533/13

Bank of America, N.A., et al.,
 Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiffs from an order of the Supreme Court New York County, entered on or about April 8, 2013 (Index No. 154480/12 [Kenney, J.]) and from orders of the same Court entered on or about April 12, 2013 and November 15, 2013, and a judgment entered on or about January 16, 2013 (Index No. 151436/12 [Coin, J.]), an order of the same Court entered on or about May 31, 2013 (Index No. 157378/12 [Coin, J.]), an order of the same Court entered on or about August 14, 2013 (Index No. 157836/12 [Rakower, J.]), an order of the same Court entered on or about September 9, 2013 (Index No. 154342/12 [Wooten, J.]), an order of the same Court entered on or about October 23, 2013 (Index No. 153581/12 [Ling-Cohen, J.]), orders of the same Court entered on or about December 4, 2013 (Index No. 154346/12 [Wooten, J.]), and an order of the same Court entered on or about December 9, 2013 (Index No. 153533/13 [Wooten, J.]), respectively,

And plaintiffs-appellants having moved for consolidation of the aforesaid appeals and for an enlargement of time to perfect the appeals pending a decision in a related case,

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 for plaintiffs to perfect their respective appeals to the October 2014 Term and otherwise denied. The Clerk of the Court is directed to place the appeals on the same day calendar, if so perfected.

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 March 18, 2014.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Leland DeGrasse
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Emmanuel Burgess, an Infant by his
Mother and Natural Guardian,
Chiniqua White,
Plaintiff-Appellant,

-against-

M-319
Index No. 102967/10

The City of New York (The New York
City Department of Education),
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 21, 2012,

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 September 2014 Term.

ENTER:



CLERK

P.M ORDERS
FOR MARCH
13, 2014

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 March 18, 2014.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----x
Dragon Head, LLC,
Plaintiff-Appellant,

-against-

M-1045
Index No. 650192/12

Steven Munroe Elkman, BKC Renaissance,
LLC and Deutsche Bank Alex. Brown, A
Division of Deutsche Bank Securities,
Inc.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 23, 2013, and said appeal having been perfected,

And defendants-respondents Steven Munroe Elkman and BKC Renaissance, LLC having jointly moved for leave to enlarge the record on appeal to include the transcript of the hearing held on October 16, 2012, in connection with the aforesaid order appealed,

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 granting movants leave to file a supplemental record on appeal forthwith containing Exhibit A to the moving papers, at their own expense forthwith and if so advised.

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 March 18, 2014.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Sallie Manzanet-Daniels
Judith J. Gische
Darcel D. Clark, Justices.

-----x
Fredys Ruiz,

Plaintiff-Respondent,

-against-

Johanna Alcantara,

Defendant-Appellant.
-----x

M-336
Index No. 302184/13

An order of a Justice of this Court having been entered December 3, 2013 (M-5188) granting leave to appeal to this Court from the order of the Supreme Court, Bronx County, entered on or about September 9, 2013, and said appeal having been perfected,

And defendant-appellant having moved for a stay of a contain traverse hearing 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.

ENTER:


CLERK