

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 October 23, 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-4159
Ind. No. 5861/11

Jose Rodriguez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 16, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 14, 2014, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 23, 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-4109
Ind. No. 6341/10

Lakisha Peppers,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 26, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated August 14, 2014, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 23, 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-4368
Ind. Nos. 2914/10

Gerald Degerolomo,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about November 28, 2011,

And defendant-appellant having moved to withdraw the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated August 28, 2014, and due deliberation having been had thereon,

It is ordered that said motion is granted and the appeal is deemed withdrawn.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 October 23, 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 a Proceeding for
Custody and/or Visitation Pursuant
To Article 6 of the Family Court Act.

Mahmud G.,
Petitioner-Appellant,

-against-

M-1478
Docket No. V-2202-05/13E

Christine A.,
Respondent-Respondent.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about April 26, 2013, and said appeal having been perfected,

And a motion having been made by assigned counsel for appellant to withdraw the aforesaid appeal,

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

It is ordered that the motion is granted and the appeal is deemed 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 October 23, 2014.

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

-----X
Joseph S. DeVito,
Plaintiff-Respondent,

-against-

M-4262
Index No. 102529/10

Sears, Roebuck & Company,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated August 12, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2014 Term, 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 October 23, 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

Phoenix J.,

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

M-3775

Docket No. NN-4151/13

The Administration for Children's Services of the City of New York,
Petitioner-Respondent,

Kodee J.,
Respondent-Appellant.

Seymour W. James, Jr., 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 the Family Court, New York County, entered on or about June 11, 2014, 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 therefor;¹ **within 30 days (FCS 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 the 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 October 23, 2014.

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

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

-against-

M-4227
Ind. No. 2726/13

Leonardo Medina,
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 April 22, 2014, 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) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 October 23, 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-4228
Ind. No. 3272/13

Luis Miranda,
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 January 31, 2014, 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) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 October 23, 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-4231
Ind. No. 137N/13

Gregory Moore,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 31, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

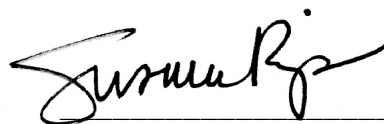
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 October 23, 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-4232
Ind. No. 2393/13

Joseph Pagán,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 30, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

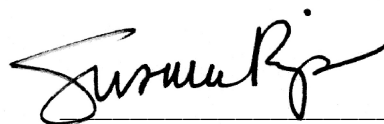
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 October 23, 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-4233
Ind. No. 3834/09

Latwoine Parker,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 29, 2014, 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) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 October 23, 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-4234
Ind. No. 789/14

Manuel D. Quezada,
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 May 15, 2014, 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) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 October 23, 2014.

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

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

-against-

Stephen Robinson,
Defendant-Appellant.

M-4235
Ind. No. 2232/09
Case No. 33360C/09

-----X

Defendant 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 February 10, 2014, 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) 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.

Seymour W. James, Jr., 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 October 23, 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-4236
Ind. No. 5284/12

Gwendolyn Russell,
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 May 12, 2014, 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) 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.

Seymour W. James, Jr., 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 October 23, 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-4241
Ind. No. 157/14

Rolando Santi,
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 30, 2014, 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) 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.

Seymour W. James, Jr., 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 October 23, 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-4242
Ind. No. 3534/13

Kevin Santos,
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 17, 2014, 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) 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.

Seymour W. James, Jr., 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 October 23, 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-4244
Ind. No. 4395/13

Sidney Sass,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 1, 2014, 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) 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.

Seymour W. James, Jr., 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.

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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 October 23, 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-4245
SCI No. 2651/09
Case No. 34898C/09

Earl Smith,
Defendant-Appellant.

-----X

Defendant 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 April 14, 2014, 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.

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Seymour W. James, Jr., 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 October 23, 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-4246
Ind. No. 1259/12

Malik Tague,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 24, 2014, 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) 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.

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 October 23, 2014.

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

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

-against-

M-4247
Ind. No. 4015/11

Stephen Vizcarrando, also known as
Steven Vizcarrando,
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 19, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

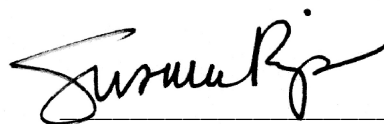
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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) 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.

Seymour W. James, Jr., 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 October 23, 2014.

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

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

-against-

M-4248
Ind. No. 539/13

Quincy Welch,
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 October 2, 2013, 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) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 October 23, 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-4250
Ind. Nos. 4902/13
4441/13

John L. Wilson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, rendered on or about June 27, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

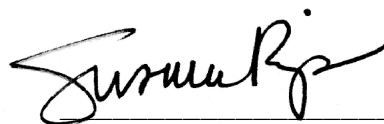
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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) 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.

Seymour W. James, Jr., 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 October 23, 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

Eudbilio Andre R. and Melany R.,

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

M-1054A

Docket No. B-17945-46/11

Cardinal McCloskey Community Services
(Agency),
Petitioner-Respondent,

Andre R.,
Respondent-Appellant.

Frances Ferraro, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an orders of the Family Court, Bronx County, entered on or about February 5, 2014 and March 24, 2014 and May 16, 2014, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, 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 therefor;¹ **within 30 days (FCS 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 the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (The order of this Court entered and filed on July 10, 2014, is hereby recalled and vacated.)

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 October 23, 2014.

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

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

-against-

M-4005
Ind. No. 4166/00

David Garcia,
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 (Mendelbaum, J.), entered on or about September 30, 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 Mendelbaum as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., 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 October 23, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Helen E. Freedman
Roselyn H. Richter, Justices.

-----x
Suarna Mehulic,

Plaintiff-Appellant,

-against-

New York Downtown Hospital,

Defendant-Respondent.
-----x

M-888
Index No. 103297/08

Plaintiff-appellant having moved for clarification or modification of the decision and order of this Court entered on January 30, 2014 (Appeal Nos. 11616/11617/11618),

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 October 23, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels, Justices.

-----X

Philip Seldon,
Plaintiff-Appellant,

-against-

M-2204

Index No. 111916/10

Lewis Brisbois Bisgaard & Smith LLP,
et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 10, 2014 (Appeal No. 12197-12198),

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 October 23, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Leland G. DeGrasse
Darcel D. Clark, Justices.

-----X
Richard Kenny, et al.,
Plaintiffs-Respondents,

-against-

M-4358
Index No. 100791/12

Daniel Glaser and Emily Glaser,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 29, 2013,

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 in the County of New York on October 23, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

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

-against-

M-4743
Ind. No. 1483/11
Case No. 5227C/11

Lawrence G. Beatty,
Defendant-Appellant.
-----X

An order of this Court having been entered on April 17, 2014 (M-303), inter alia, reinstating the stay of execution of sentence previously granted by order of this Court entered July 11, 2013 (M-3621), upon the same terms and conditions, and upon the further condition that the appeal be perfected for the September 2014 Term,

And an order of this Court having been entered on July 31, 2014 (M-3201), inter alia, continuing and extending the aforesaid stay of execution of sentence upon the same terms and conditions and on further condition the appeal be perfected for the December 2014 Term,

And defendant-appellant having again moved for continuation of the aforesaid stay of execution of the judgment of the Supreme Court, Bronx County, rendered on or about June 14, 2013, pending hearing and determination of the appeal taken therefrom, 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 continuing and extending the aforesaid stay of execution of sentence granted by the order of this Court entered April 17, 2014 (M-303) upon the same terms and conditions pending hearing and determination of the appeal and on the further condition that defendant-appellant perfects the appeal for the March 2015 Term, to which Term the time to perfect the appeal is enlarged.

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 October 23, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Helen E. Freedman
Leland G. DeGrasse, Justices.

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

-against-

M-2073
Index No. 1321/92

Budha Tor, also known as Buddha Tor,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 16, 2000 (Appeal No. 2484), unanimously affirming a judgment of the Supreme Court, Bronx County (Ira Globerman, J.), rendered on July 1, 1993,

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 appellate 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.

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 October 23, 2014.

Present: Hon. Peter Tom, Justice Presiding,
Diane T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
Application of

Michael De La Force,
Petitioner-Respondent,

M-4889

Index No. 102309/12

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

-against-

Inna Khiterer, Eurice Mayfield
and Mitchell St. Clair,
Respondents-Appellants.

-----X

Appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about July 10, 2013 and from an order of said Court, entered on or about December 20, 2013, and said appeals having been perfected upon a single record,

And Cynthia A. Hadjiyannis, Esq., having moved for an order permitting her to withdraw as counsel on 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, with leave to renew upon proof of service of the motion upon the petitioner. Sua sponte, the appeal is adjourned to the February 2015 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 October 23, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

-----X
Cuman Cropper,
Plaintiff-Respondent,

-against-

M-2684
Index No. 114878/06

M.D. Stewart, et al.,
Defendants,

New York City Transit Authority,
Defendant-Appellant,

Paper Cab Corporation, et al.,
Defendants-Respondents.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 1, 2014 (Appeal No. 12356),

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 October 23, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Mirta Ramos,
Plaintiff-Respondent,

-against-

M-3303
Index No. 304361/11

Renata Vanja Weber, M.D., et al.,
Defendants-Appellants.
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 3, 2014 (Appeal No. 11511),

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 October 23, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
Adelina Reyes,
Plaintiff-Respondent,

-against-

M-4559
Index No. 306261/10

New York City Transit Authority,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about November 13, 2013, and to compel plaintiff-respondent to submit a full set of plaintiff's trial exhibits for inclusion in the record on 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 enlarging the time to perfect the appeal to the March 2015 Term. Plaintiff-respondent is directed to forward to defendant's counsel the aforesaid trial exhibits to be received by defendant's counsel no later than November 14, 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 October 23, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----x
In the Matter of the Application of
David Suker,
Petitioner-Respondent,

For a Judgment Pursuant to Article 75
of the CPLR,

M-4769
Index No. 103742/12

-against-

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

-----x

Respondent-appellant 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 August 23, 2013,

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 March 2015 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 October 23, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----x

Josefina Cruz,
Plaintiff-Appellant,

-against-

M-4693
Index No. 100786/13

United Federation of Teachers
("UFT"),
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 October 30, 2013,

And plaintiff-appellant having moved for leave to supplement the record on appeal with certain material from, inter alia, other motions,

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 include in the record any documents that were submitted to Supreme Court under Index No. 100786/13 on or before October 28, 2014 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 October 23, 2014.

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

-----X
Greater New York Taxi Association, et al.,
Petitioners-Respondents,

-against-

The New York City Taxi and
Limousine Commission, etc., et al.,
Respondents-Appellants,

Nissan Taxi Marketing, N.A., LLC, et al.,
Respondents-In-Intervention-Appellants.

M-3440
Index 101083/13

Design Trust for Public Space;
Bryant Park Corporation and 34th
Street Partnership; Global Gateway
Alliance; Paul Herzan; Sarah Holloway;
Lily Auchincloss Foundation, Inc.;
Manhattan Chamber of Commerce; Eric
Rothman; Elliot "Lee" Sander; John E.
Sherman, M.D.; Smart Design; and
Transportation Alternatives, in Support
of Respondents-Appellants,
Amici Curiae.

-----X

Petitioners-respondents having moved for reargument of, or in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 10, 2014 (Appeal No. 11635),

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

It is ordered that the motion, to the extent it seeks reargument, is denied, and it is further ordered that,

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

"Was the decision and order of this Court, which reversed the order of the Supreme Court, properly made?"

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

ENTER:


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 October 23, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-4448
Ind. No. 5490/01

Angelo Tejada,

Defendant-Appellant.
-----X

Respondent People having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 13, 2004,

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 October 23, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

Arie Genger, et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-4249

M-4266

Sagi Genger, et al.,
Defendants-Respondents-Appellants,

Index No. 651089/10

Dalia Genger, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant-respondent Orly Genger having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 24, 2014 (Appeal No. 12899-12889A) [M-4249],

And plaintiff-appellant-respondent, Arie Genger, having moved for the same relief [M-4266],

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

It is ordered that the motions are denied.

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 October 23, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Rosemarie A. Herman, etc., et al.,
Plaintiffs-Appellants,

-against-

M-3345
Index No. 650205/11

Julian Maurice Herman, et al.,
Defendants-Respondents,

J. Maurice Herman, etc., et al.,
Defendants.

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on June 5, 2014, (Appeal Nos. 12663-12663A),

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, upon reargument, the decision and order of this Court entered on June 5, 2014 (Appeal Nos. 12663-12663A) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 12663-12663A, 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 October 23, 2014.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X
In the Matter of

Vivienne Bobbi-Hadiya S.,

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

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

M-4567A
Docket Nos. NA-6061/11
B-6798/12

Makena Asanta Malika McK.,
Respondent-Appellant,

Charles Bernard S.,
Respondent-Appellant.

- - - - -
Margaret Tarvin, Esq., Lawyers for
Children,
Attorney for the Child.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeals from the Orders of Fact-Finding of the Family Court, New York County, entered on or about November 4, 2011 and July 9, 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, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No. 212-818-9019, 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.** The order of this Court entered on October 29, 2013 (M-4567) is recalled and vacated.

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 October 23, 2014.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Angelica Lopez, an infant by her parent and natural guardian, Jose Lopez, and Jose Lopez, individually, Plaintiffs-Appellants,

M-4380

Index No. 104601/02

-against-

The City of New York and Consolidated Edison Company of New York, Inc., Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 22, 2013 and on or about December 17, 2013, respectively, and said appeals having been consolidated by an order of this Court entered on June 10, 2014 (M-2491),

And The Law Offices of Annette G. Hasapidis, Esq., having moved to withdraw as plaintiffs-appellants' counsel, and for an enlargement of time for said plaintiffs to perfect the aforesaid consolidated 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 only to the extent of enlarging the time to perfect the consolidated appeals to the March 2015 Term. So much of the motion which The Law Offices of Annette G. Hasapidis, Esq., seek to withdraw as counsel is denied, with leave to renew upon submission of papers, including an affidavit of service, indicating that plaintiffs-appellants were served individually with these motion papers at their last known addresses, and an explanation of moving counsel's attorney client relationship with said plaintiffs.

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 October 23, 2014.

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

-----x
Carlos Rodriguez,

Plaintiff-Respondent,

-against-

M-4811
Index No. 109444/11

The City of New York,

Defendant-Appellant.
-----x

Defendant-appellant 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 November 12, 2013,

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 February 2015 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 October 23, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Steven D. Loftin,
Plaintiff-Appellant,

-against-

M-3942

Index No. 570500/09

Angel Ortiz, 79 St. Nicholas Pl. Ltd.
Corp.,

Defendants-Respondents.

-----X

An order of this Court having been entered on April 23, 2013 (M-1239), denying plaintiff-appellant reconsideration of the order of this Court entered October 26, 2010 (M-4474) denying leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 9, 2009,

And plaintiff-appellant having moved for reargument of the aforesaid orders of this Court, and, if this motion is granted, leave to prosecute the appeal as a poor person, 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 in its entirety.

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 October 23, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Chetram Etwaroo,
Plaintiff-Appellant,

-against-

M-4129
Index No. 21771/01

Crotona Park East Bristow Elsmere
Co., Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about February 10, 2014,

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 March 2015 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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Aviva Nash and Drum Café, LLC,
Plaintiffs-Appellants,

-against-

M-3667
Index No. 306625/12

Bill O'Reilly, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved to withdraw their appeal from an order of the Supreme Court, Bronx County, entered on or about May 31, 2013,

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

It is ordered that the appeal is deemed 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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Anthony Waters,

Plaintiff-Appellant,

-against-

The City of New York, et al.,

Defendants-Respondents.
-----X

M-3848
Index No. 100452/11

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about July 28, 2014, 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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-3919
Ind. No. 5820/11

Rainer Gonzalez,
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 January 6, 2014,

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 timely filed.

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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
In the Matter of Aboubacar Diawara,
Petitioner,

-against-

M-4091
Index No. 402502/12

Manhattan South Traffic Violations
Bureau,
Respondent.

-----X

Petitioner having moved for leave to appeal to this Court from determinations made by the New York State Department of Motor Vehicles Boards, entered on or about March 19, 2013 and December 20, 2013, 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 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 October 23, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Bruce Schwartz,

Plaintiff-Respondent,

M-3866

M-4106

-against-

Index No. 100524/08

Boom Batta, Inc., et al.,
Defendants,

Robert Watman,
Defendant-Appellant.

-----X

An appeal having been taken from an having been taken from the order of the Supreme Court, New York County, entered on or about December 17, 2013; and an appeal having been taken from an order and judgment (one paper) of said Supreme Court, entered on or about July 28, 2014,

And defendant-appellant having moved to stay enforcement enforcement of the aforesaid order and judgment (one paper) and for other relief (M-3866),

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal (M-4106),

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 defendant-appellant's motion for a stay is denied, and the interim relief granted by order of a Justice of this Court, dated August 1, 2014, is vacated (M-3866). The cross motion to dismiss the appeal is denied (M-4106).

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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
260-61 Madison Avenue, LLC,
Plaintiff-Appellant-Respondent,

-against-

Bower Monte & Greene, P.C.,
Defendant-Respondent-Appellant,

M-4047
Index No. 650187/12

Peter R. Bower,
Defendant,

-and-

Guy A. Lawrence,
Defendant-Respondent.

-----X
(And another action)

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 24, 2013,

And plaintiff-appellant having moved for an enlargement of time to perfect their 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 enlarging the time to perfect the appeal and cross appeal to the January 2015 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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----x

Hugo Suarez,
Plaintiff-Respondent-Appellant,

-against-

M-3674
Index No. 305402/08

Mark A. Greenberg, M.D., et al.,
Defendants-Appellants-Respondents.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 1, 2013,

And defendants-appellants-respondents having moved for an enlargement of time to perfect the direct 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 enlarging the time to perfect the appeal and cross appeal to the February 2015 Term, with no further enlargements.

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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Ike Essilfie-Obeng, an Infant by
his Mother and Natural Guardian,
Lydia Davies, and Lydia Davies,
Individually,
Plaintiff-Appellant,

M-3907
Index No. 8967/04

-against-

Godfried R. Ahyia, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about May 31, 2013,

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 February 2015 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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
The Exoneration Initiative,
Petitioner-Respondent,

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

-against-

M-3944
Index No. 104004/12

The New York City Police Department,
Respondent-Appellant.
-----X

Respondent having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 24, 2013,

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 February 2015 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 October 23, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
City of New York,
Plaintiff-Appellant,

-against-

M-4008
Index No. 400078/07

Child Development Support Corp.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the orders of the Supreme Court, New York County, entered on or about October 18, 2012 (mot. seq. no. 003) and July 29, 2013 (mot. seq. no. 004),

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 March 2015 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 October 23, 2014.

Present: Hon. Karla Moskowitz, Justice Presiding
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
In Re: 91st Street Crane Collapse Index No. 771000/10
Litigation

Maria Leo, Administratrix of the Estate
of Her Son, Donald Christopher Leo,
Deceased May 30, 2008,
Plaintiff-Respondent,

-against-

M-3118
Index No. 117294/08

James F. Lomma, Inc., New York Crane &
Equipment Corp., Lomma Trucking & Rigging,
and Tes, Inc., et al.,
Defendants,

1765 First Associates, LLC, and Leon D.
DeMatteis Construction Corporation,
Defendants-Appellants.

-----X
(And other actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

Xhevahire Sinanaj and Selvi Sinanovic, as
Co-Administrators of the Estate of Ramadan
Kurtaj, Deceased, and Selvi Sinnanovic,
Individually,
Plaintiffs-Respondents,

-against-

New York City Educational Construction
Fund, New York Crane & Equipment Corp.,
J.F. Lomma, Inc., Tes, Inc., James F.
Lomma, and Brady Marine Repair Corp.,
et al.,
Defendants,

Index No. 117469/08

1765 First Associates, LLC and Leon D.
DeMatteis Construction Corporation,
Defendants-Appellants.

-----X
(And other actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

Daniel Oddo,
Plaintiff-Respondent,

-against-

Index No. 111626/08

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

Dematteis Construction and Leon D.
Dematteis Construction Corporation,
Defendants-Appellants,

-----X
(And other actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

Jack Rizzocasio,
Plaintiff-Respondent,

-against-

Index No. 108088/09

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

Dematteis Construction and Leon D.
Dematteis Construction Corporation,
Defendants-Appellants.

-----X
(And other actions)

-----X
 In Re: 91st Street Crane Collapse
 Litigation

 Simeon Alexis and Kathlyn Moore,
 Plaintiffs-Respondents,

-against-

Index No. 105221/09

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

Dematteis Construction and Leon D.
 Dematteis Construction Corporation,
 Defendants-Appellants.

-----X
 (And other Actions)

-----X
 In Re: 91st Street Crane Collapse
 Litigation

 Guiseppe Calabro,
 Plaintiff-Respondent,

-against-

Index No. 110069/08

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

Dematteis Construction and Leon D.
 Dematteis Construction Corporation,
 Defendants-Appellants.

-----X
 (And other Actions)

Appeals having been taken in the above-captioned actions by defendant-appellant, Leon D. DeMatteis Construction Corporation, from orders of the Supreme Court, New York County, entered on or about October 30, 2013, March 3, 2014, March 4, 2014 March 5, 2014 and March 7, 2014,

And defendant-appellant, Leon D. DeMatteis Construction Corporation, having moved to consolidate its appeals in aforesaid actions,

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, the aforesaid appeals are consolidated, and appellant is permitted to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering said appeals. The time to perfect the consolidated appeals is enlarged to the March 2015 Term.

ENTER:


CLERK

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-3783
Ind. Nos. 2041/10,
3820/11

-against-

CERTIFICATE
DENYING LEAVE

Anthony Powell

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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, 2014, is hereby denied.



Hon. Rosalyn H. Richter

Date: October 3, 2014
New York, New York

ENTERED: **OCT 23 2014**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-4108
Ind. No. 0700/2000

-against-

CERTIFICATE
GRANTING LEAVE

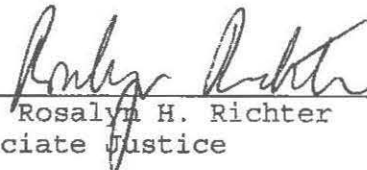
Claudio Concepcion,
Defendant-Appellant.
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, dated March 4, 2014.¹

Dated: October 2, 2014
New York, New York

ENTERED

OCT 23 2014



Hon. Rosalyn H. Richter
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹ In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Barbara R. Kapnick
Justice of the Appellate Division

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

-against-

Gerald Francis

Defendant.

M-4149
Ind. No. 9990/1987
CERTIFICATE
DENYING LEAVE

-----X
I, Barbara R. Kapnick, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon the
application made by the above-named defendant for a certificate
pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and
upon the record and proceedings herein, there is no question of law
or fact presented which ought to be reviewed by the Appellate
Division, First Judicial Department, and permission to appeal from
the order of the Supreme Court, New York County, dated August 1,
2014, is hereby denied.



Hon. Barbara R. Kapnick

Dated: September 18, 2014
New York, New York

ENTERED: **OCT 23 2014**

P.M ORDERS
FOR
OCTOBER 23,
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 October 23, 2014.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Michele Trezza,
Plaintiff-Respondent,

Susan Giddes,
Plaintiff,

M-4035
Index No. 310237/08

-against-

Metropolitan Transportation
Authority, et al.,
Defendants-Appellants,

Angeleasa Olsen,
Defendant.

-----X

A decision and order of this Court having been entered on January 7, 2014 (Appeal No. 10843) modifying the judgment of the Supreme Court, Bronx County, entered on or about March 22, 2012, inter alia, to the extent of vacating a certain award and remanding the matter to Supreme Court for a new trial,

And an order of this Court having been entered April 29, 2014 (M-217) granting plaintiff-respondent leave to appeal the aforesaid decision and order of this Court to the Court of Appeals,

And an order of the Court of Appeals having been entered June 26, 2014 (SSD 49) dismissing the appeal of the aforesaid decision and order of this Court without prejudice to the plaintiff stipulating as provided in the aforesaid decision and order of this Court entered January 7, 2014 (Appeal No. 10843),

And plaintiff having moved for an order "modifying" the aforesaid decision and order of this Court (Appeal No. 10843),

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 deemed one for additional time to stipulate as provided in the aforesaid decision and order of this Court entered January 7, 2014 (Appeal No. 10843) and as such is granted to the extent of providing plaintiff with 30 days from the date hereof to so stipulate, with no further enlargements of time to be granted; in the event plaintiff fails to so stipulate the matter is remanded for a new trial on the issue of damages as provided in the aforesaid decision and order of this Court entered January 7, 2014 (Appeal No. 10843). The motion is 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 October 23, 2014.

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

-----X

In the Matter of the Application of
The Bank of New York Mellon, etc.,
et al.,

Petitioners,

For an order pursuant to CPLR § 7701,
seeking judicial instructions and
approval of a proposed settlement.

The Bank of New York Mellon, etc.,
et al.,

Petitioner-Appellant-Respondent,

-and-

Blackrock Financial Management, Inc.,
et al.,

Intervenors-Petitioners-Appellants-
Respondents,

-against-

The Retirement Board of the
Policemen's Annuity and Benefit Fund
of the City of Chicago, et al.,

Respondents-Respondents-Appellants,

Sterling Federal Bank, F.S.B., et al.,

Respondents-Respondents,

The Knights of Columbus,
Intervenor-Respondent-Respondent.

-----X

M-5096
M-5118
Index No. 651786/11

Appeals and cross appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 21, 2014, and said appeals and cross appeals having been perfected,

And cross-appellants Triaxx Prime CDO 2006-1, Ltd., Triaxx Prime CDO 2006-2, Ltd., and Trimaxx Prime CDO 2007-1, Ltd., (Triaxx Entities) having moved for an order deeming their cross appeal withdrawn (M-5096),

And the Retirement Board respondents-cross-appellants having cross-moved for an order permitting them to file a brief in response to the amicus curiae briefs previously filed (M-5118)

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 aforesaid cross appeal taken by the Triaxx Entities is deemed withdrawn (M-5096). The cross motion is denied (M-5118); the perfected appeals and cross appeals remaining extant.

ENTER:



CLERK