

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

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

-against-

M-4571
Ind. No. 4481/01

Wilfredo Rivera,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 19, 2010, **denying resentence**,

Now, upon reading and filing the stipulation of the parties hereto, dated September 28, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

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

Respondent,
-against-

M-4704
Ind. No. 3256/09

Anthony Hatcher,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 17, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed October 19, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

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

Appellant,

-against-

M-4789

Ind. No. 2975/10

Chanel Mitchell,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 6, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated October 17, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

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

-against-

M-4790
Ind. No. 2695/10

Angela Flores,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 6, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated October 18, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Gaurav Sharma,
Plaintiff-Appellant,

-against-

M-4886X
Index No. 314975/10

Vinita Hanjan,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 19, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 25, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Elena Bullrich,
Plaintiff-Appellant,

-against-

M-4887X
Index No. 312190/10

Matias Bullrich,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 25, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 25, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Oxford Health Insurance, Inc.,

Plaintiff-Appellant,

-against-

M-4918X
Index No. 602899/04

Jordan S. Josephson, M.D., et al.,

Defendants-Repondents.

-----X
(And another action)

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 29, 2010 (mot. seq. nos. 013 and 015),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

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

-against-

M-4984
Ind. No. 4312/06

Marlon Rodriguez, also known as
Marlon C. Rodriguez,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 20, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated October 26, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X

Abby Simms and David Simms,

Plaintiffs-Respondents,

-against-

M-4998X

Index No. 101438/10

Mohamed A. Abraz, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 14, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 28, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X

Gloria Anjelica Barajas and Maria Marquina, as the Co-Administrator of the Goods and Chattels and Property of Erasmo Sanchez Lopez, also known as Erasmo Sanchez and Gloria Anjelica Barajas, Individually,
Plaintiffs-Respondents,

M-4999X

Index No. 17068/07

-against-

Bierzo Construction Corp.,
Defendant,

765 Amsterdam Housing Corp., et al.,
Defendants-Appellants.

-----X

765 Amsterdam Housing Corp., et al.,
Third-Party Plaintiffs-Appellants,

Third-Party
Index No. 83844/08

-against-

Port-Land Construction Corp.,
Third-party Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 3, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 28, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X

Wei Zhi Zheng,

Plaintiff-Respondent,

-against-

M-5000X

Index No. 115340/08

Andrew E. Britt II, et al.,

Defendants-Appellants,

Peter Britt,

Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 9, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 31, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Steven Vovchik and Marie Vovchik,
Plaintiff,

-against-

M-4327

Index No. 109050/06

Metropolitan Development Partners II,
LLC, et al.,
Defendants.

-----X
Metropolitan Development Partners II,
LLC, et al.,
Third-Party Plaintiffs-Respondents,

Third-Party
Index No. 590189/07

-against-

High-Rise Electric, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2010,

And third-party plaintiffs-respondents having moved for an order dismissing the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated October 12, 2011, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Corrado Picano, et al.,
Plaintiffs-Respondents,

-against-

M-4885X
Index No. 115832/04

Rockefeller Center North, Inc. and
Time, Inc.,
Defendants-Appellants-Respondents.

-----X
Rockefeller Center North, Inc. and
Time, Inc.,
Third-Party Plaintiffs-
Appellants-Respondents,

-against-

Third-Party
Index No. 590876/06

McCann Inc.,
Third-Party Defendant-Respondent.

-----X
Rockefeller Center North, Inc. and
Time, Inc.,
Second Third-Party Plaintiffs
Appellants-Respondents,

-against-

Second Third-Party
Index No. 590089/09

Pace Plumbing Corp.,
Second Third-Party
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 21, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulations of the parties hereto, "so ordered" October 25, 2011, and due deliberation having been had thereon,

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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X

Warren Ramdin,

Plaintiff-Respondent,

M-4577

-against-

Index No. 303093/09

854 Eighth LLC, formerly known as
854 Eighth Partners, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 24, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed October 11, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2011 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 December 13, 2011.

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

-----X
Manifold Capital Corporation, formerly
known as ACA Capital Holdings, Inc.,

Plaintiff-Respondent,

M-4927X

Index No. 652265/10

-against-

ACA Financial Guaranty Corporation,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 22, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 27, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----x
In the Matter of the Application of
Victor Solis,
Petitioner,

For a Judgment Pursuant to Article 78	M-4860
of the CPLR,	Index No. 117533/09

-against-

John B. Rhea, et al.,
Respondent.

-----x

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 12, 2010,

And respondent having moved for dismissal of the transferred proceeding,

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 submission of proof of petitioner's death.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Caterina L. Rimoli,
Plaintiff-Respondent-Appellant,

-against-

M-4912
M-4977
Index No. 310456/08

Ray Catena Corp., also known as
Ray Catena Lexus and Toyota Motor
Sales, U.S.A., Inc.,
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent Toyota Motor Sales, U.S.A., Inc., having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 7, 2010 (M-4912),

And plaintiff-respondent-appellant having cross-moved for an enlargement of time in which to perfect the cross appeal from the aforesaid order (M-4877),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the May 2012 Term (M-4912/M-4977).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-4357
Ind. No. 99025/08

Dorian Davis,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 1, 2009,

And Steven Banks, Esq., assigned counsel for defendant-appellant, having moved for an order dismissing defendant's appeal inasmuch as on May 10, 2010, the Supreme Court, Bronx County, vacated the sentence imposed on October 1, 2009 and resentenced defendant,

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 December 13, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Helen E. Freedman
Roselyn H. Richter, Justices.

-----X
Rosa Jones and Clarence Jones,
Plaintiffs-Appellants,

-against-

M-4140
Index No. 21844/03

New York City Health and Hospital
Corporation, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 9, 2009, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application of
Michael I. Liverpool,
Petitioner,

For an Order Pursuant to Article 78 M-4561
of the Civil Practice Law and Rules, Index No. 402441/09

-against-

New York City Housing Authority,
Respondent.

-----X
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 25, 2010, to review a determination of respondent,

And respondent having moved to dismiss the aforesaid proceeding for failure to timely perfect,

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 proceeding 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 December 13, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Breanna Geneva S., also known as
Breanna B. and William Brandon S.,
also known as William B.,

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

- - - - - M-4741
Graham-Windham Services to Families Docket Nos. B-16882-3/08
and Children,
Petitioner-Respondent,
William S., Sr.,
Respondent-Appellant.

- - - - -
Tamara A. Steckler, Esq.,
Attorney for the Children.
-----X

Petitioner-respondent having moved to dismiss the appeal taken from the order of the Family Court, Bronx County, entered on or about October 16, 2009, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
William F. Bonez,
Petitioner-Appellant,

-against-

M-4043

Index No. 400138/09

Patrick M. Gallivan, et al.,
Respondent-Respondent.

-----X

Petitioner having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 1, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of counsel, 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 upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks the assignment of counsel is denied, since there is no right to counsel in a civil proceeding of this nature. Sua sponte, the time to perfect the appeal is enlarged to the May 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on December 13, 2011.

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

-----X
In the Matter of the Application of
Gwendolyn Rossi, et al.,
Petitioners,

For a Judgment Pursuant to Article
78 of the CPLR,

M-4773
Index No. 109625/10

-against-

New York State Office of Children
and Family Services,
Respondent.

-----X

An Article 78 proceeding having been transferred to this
Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New
York County, entered on or about January 18, 2011, to review a
determination of respondent,

And petitioner Gwendolyn Rossi having moved for an
enlargement of time to perfect the proceeding, and for leave to
prosecute the proceeding as a poor person, upon the original record
and reproduced petitioners' brief,

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

It is ordered that the motion is granted to the extent of
permitting the proceeding to be heard on the original record and upon
a reproduced petitioner's brief, on condition that petitioner serves
one copy of such brief upon the attorney for the respondent and file 8
copies of such brief, together with the original record, with this
Court. Petitioner is permitted to dispense with payment of the
required fee for the subpoena and filing of the record. The time to
perfect the proceeding is enlarged to the May 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
MBIA Insurance Corporation,
Plaintiff-Respondent,

-against-

M-5113

Countrywide Home Loans, Inc., et al., Index No. 602825/08
Defendants,

-and-

Bank of America Corp.,
Defendant-Appellant.

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 31, 2011,

And defendant-appellant having moved for a stay of the aforesaid order pending hearing and determination of 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 denied. (See M-5114 and M-5117, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Financial Guaranty Insurance Co.,
Plaintiff-Respondent,

-against-

Countrywide Home Loans, Inc., et al., Index No. 650736/09
Defendants,

-and-

Bank of America Corp.,
Defendant-Appellant.

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 31, 2011,

And defendant-appellant having moved for a stay of the aforesaid order pending hearing and determination of 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 denied. (See M-5113 and M-5117, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Ambac Assurance Corporation, et al.,
Plaintiffs-Respondents,

-against-

M-5117

Countrywide Home Loans, Inc., et al., Index No. 651612/10
Defendants,

-and-

Bank of America Corp.,
Defendant-Appellant.

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 31, 2011,

And defendant-appellant having moved for a stay of the aforesaid order pending hearing and determination of 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 denied. (See M-5113 and M-5114, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of the Application of
Janice Parker-Are,
Petitioner-Appellant,

For an Order Pursuant to Article 78 M-4516
of the Civil Practice Law and Rules, Index No. 400504/10

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X
Respondent-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about June 16, 2010, for failure to timely perfect,

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 dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X

In the Matter of

Michael M.,

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

M-4160

Docket No. B32219/09

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

Michael M., Sr.,
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 28, 2011, 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, Howard M. Simms, Esq., 295 Greenwich St., #222, New York, NY 10007, Telephone No. (212) 655-5802, 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 December 13, 2011.

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

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

-against-

M-4125
SCID. No. 30085/11

Glenn W. Evans,
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 (Cassandra Mullen, J.) entered on or about August 2, 2011, 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) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Mullen as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

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

-against-

M-4537
Ind. No. 3275/08

Joshua Palmer,
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 May 8, 2009, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

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

Respondent,

-against-

M-5024
Ind. No. 843/08

Matthew Keschner,

Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 15, 2011,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

-----X
West Village Associates Limited
Partnership , also known as West
Village Association and West Village
Houses, et al.,

Plaintiffs,

M-4059
Index No. 108423/05

-against-

Balber Pickard Battistoni Maldonado
& Van Der Tuin, PC, et al.,

Defendants.

-----X
Plaintiffs having moved, pursuant to 5704(a), for
affirmative relief denied by a Justice of Supreme Court,
New York County on September 7, 2011,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----x

Joseph Kleinplatz,
Plaintiff-Appellant,

-against-

M-4275
Index No. 108314/08

Karen Burstein, Esq.,
Defendant.

- - - - -

Candace C. Carpenter, Esq.,
Non-Party Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 17, 2011,

And plaintiff-appellant having moved for a stay of the aforesaid decision and 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 denied, and the interim relief granted by an order of a Justice of this Court dated September 20, 2011, 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 December 13, 2011.

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

-----X
Shelby Mumford,
Plaintiff-Respondent,

-against-

M-4992

Index No. 15787/04

854 Gerard Ave. Corp., Individually
and doing business as News Room Jazz
Club/Sports Bar,
Defendant,

Theodore Carelock,
Defendant-Appellant,

-and-

Triangle Realty-Southeast, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 23, 2010,

And defendant-appellant having moved for a stay of the aforesaid order including a certain inquest pending hearing and determination of the appeal,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----x

In the Matter of the Application of
Commerz Markets LLC, formerly known as
Dresdner Kleinwort Services LLC,
Petitioner-Appellant,

M-5096
Index No. 103738/11

-against-

Christian P. Miller, et al.,
Respondents-Respondents.

-----x

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

And petitioner-appellant having moved for a stay of enforcement of the order and judgment 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 denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Board of Managers of the Shorehaven
Condominium,
Plaintiff-Respondent,

-against-

M-4783
Index No. 307210/08

Hector Pina & Jacqueline Garcia-Pina,
Defendants-Respondents,

Amit Louzon,
Non-Party Appellant.

-----X

Non-party appellant Amit Louzon having moved for a stay of enforcement of the order of the Supreme Court, Bronx County, dated October 3, 2011, 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 denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
In the Matter of the Application of
Selena Lawrence,
Petitioner,

For an Order Pursuant to Article 78 M-4562
of the Civil Practice Law and Rules, Index No. 402229/10

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 13, 2010, to review a determination of respondent,

And respondent having moved to dismiss the aforesaid proceeding, for failure to timely perfect,

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 proceeding 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 December 13, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4157
Ind. Nos. 3679/08
2172/10

Harold Hill,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person,
the appeal from the judgment of the Supreme Court, New York County,
rendered on or about March 29, 2011, 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 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 ten reproduced copies of
such brief, together with the original record, with this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
Fundamental Long Term Care Holdings,
LLC, et al.,
Plaintiffs-Appellants,

-against-

Cammeby's Funding, LLC, et al.,
Defendants-Respondents.
-----X

CONFIDENTIAL

M-4780

Index No. 650332/11

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about August 29, 2011 and October 6, 2011, respectively, and said appeal having been perfected,

And plaintiff-appellant Fundamental Long Term Care Holdings, LLC having moved for a stay of the aforesaid orders 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 staying the orders appealed pending hearing and determination of the appeal and 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 December 13, 2011.

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

-----x

Jeffery Brewer, et al.,
Plaintiffs-Respondents,

-against-

Stonehill & Taylor Architects, M-4883
Defendant-Respondent-Appellant, Index No. 107477/08

-and-

R.P. Brennan General Contractors
and Builders, Inc., sued herein as
R.P. Brennan,
Defendant-Appellant-Respondent.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 30, 2011 (mot. seq. no. 002), and the appeal taken by R.P. Brennan having been perfected,

And defendant-appellant R.P. Brennan having moved for a stay of trial pending hearing and determination of 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

Present - Hon. Richard T. Andrias,	Justice Presiding,
James M. Catterson	
Karla Moskowitz	
Sallie Manzanet-Daniels	
Nelson S. Román,	Justices.

-----X
Sarbjee Kaur, etc., et al.,
Plaintiffs-Respondents,

-against-

American Transit Insurance Company,	M-4111
et al.,	Index No. 117142/07
Defendants,	

Baker, McEvoy, Morrissey & Moskovits,
P.C.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 14, 2011 (Appeal No. 3698),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which modified the order of Supreme Court to the extent of granting partial summary judgment in favor of plaintiff on the issue of defendant-appellant's successor liability, 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 December 13, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Branic International Realty Corp.,
Petitioner-Landlord-Respondent,

-against-

M-2016

Index No. 570284/10

Phillip Pitt,
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 22, 2010, and for a stay of execution of a warrant of eviction pending hearing and determination of 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 leave to appeal is granted, and so much of the motion that seeks a stay of eviction is granted on condition that respondent-tenant-appellant pays all arrears and ongoing use and occupancy within 60 days from the date of entry hereof. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Jasmine Zheng and A.T., on behalf of
themselves and all other similarly
situated,

Plaintiffs-Appellants,

M-5291

Index No. 400806/11

-against-

The City of New York, et al.,

Defendants-Respondents.

- - - - -
Sanctuary for Families, New Destiny
Housing Corporation, Center Against
Domestic Violence, Safe Horizon,
Violence Intervention Program, Inc.,
New York Asian Women's Center, Good
Shepherd Services, Barrier Free
Living, and Homeless Services United,
Amicus Curiae.

-----X
An appeal having been taken to this Court by the above-named plaintiffs from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 6, 2011, and said appeal having been perfected,

And having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of permitting the above-named movants to file 10 copies of the brief as amicus curiae forthwith.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2011.

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

-----X
In the Matter of the Application of
Jose Berrios,
Petitioner,

For an Order Pursuant to Article 78 M-4321
of the Civil Practice Law and Rules, Index No. 400671/10

-against-

John B. Rhea, etc.,
Respondent.

-----X
An order of this Court having been entered June 28, 2011 (M-2161[DC #2]/M-2411) granting a motion by respondent to dismiss an Article 78 proceeding transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 15, 2010, unless perfected for the November 2011 Term,

And respondent having moved to dismiss the aforesaid proceeding for failure to timely perfect,

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 proceeding is hereby dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on December 13, 2011.

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

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

-against-

M-3775
Ind. No. 6350/09

Radames Pepin,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which
to file a notice of appeal from the judgment of the Supreme Court,
New York County, rendered on or about July 27, 2010, for leave to
prosecute the appeal as a poor person upon the original record and
upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming
the moving papers a timely filed notice of appeal, 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) two transcripts of the stenographic minutes of any
proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the
plea or trial and sentence. The Clerk shall furnish a copy of such
transcripts to appellant's counsel, without charge, the transcripts to
be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York,
New York 10038, Tel. 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

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

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

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

M-4394
Ind. No. 6588/04

-against-

CERTIFICATE
DENYING LEAVE

James Syphrett,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about May 26, 2011 (Jill Konviser, J.) is hereby denied.


Associate Justice

Dated: November 1, 2011
New York, New York

ENTERED: DEC 13 2011

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M - 5310
Ind. No.
6536/05

-against-

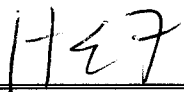
CERTIFICATE
DENYING LEAVE

ANIL RAMNATH,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 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 November 14, 2011 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: November 29, 2011
New York, New York

ENTERED: DEC 13 2011