

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 August 21, 2012.

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

-----X
Michael Welsh and Teresa Welsh,
Plaintiffs-Respondents,

-against-

M-2788
Index No. 117895/09

One Bryant Park, LLC and Tishman
Construction Corp. of NY and Fresh
Meadows Mechanical Corp.,
Defendants-Appellants.

-----X
One Bryant Park, LLC and Tishman
Construction Corp. of NY and Fresh
Meadows Mechanical Corp.,
Defendants/Third-Party Plaintiffs,

-against-

Third Party
Index No. 590916/10

RFJ Insulation Contractor, Inc.,
Third-Party Defendants.

-----X

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

And defendants-appellants having moved 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It is ordered that the motion is granted and the appeal is withdrawn.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 August 21, 2012.

Present - Hon. Luis A. Gonzalez,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe,

Presiding Justice,

Justices.

-----X
Moshe Lax, et al.,

Plaintiffs-Respondents,

-against-

M-2900X
Index No. 650474/10

Zakarian Management Group, Inc.,
et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the
Supreme Court, New York County, entered on or about October 11,
2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and
filing the stipulation of the parties hereto, "so ordered"
June 20, 2012, 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It is ordered that the appeal is withdrawn in accordance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 August 21, 2012.

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

-----X
Maria J. Metayer,

Plaintiff-Respondent,

-against-

M-2950X
Index No. 112305/06

New York City Transit Authority,
et al.,

Defendants-Appellants.

-----X

Separate appeals having been taken from the judgment and order of the Supreme Court, New York County, on or about May 21, 2011 and August 26, 2011 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 21, 2012, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on August 21, 2012.

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

-----X
Madison Square Garden, L.P.,

Plaintiff-Appellant,

-against-

M-2962X
Index No. 650181/10

XO Holdings, Inc., et al.,

Defendants-Respondents.

- - - - -
[And a third-party action]

-----X

An appeal having been taken from an order of the Supreme
Court, New York County, entered on or about February 3, 2012
(mot. seq. no. 004),

Now, after pre-argument conference and upon reading and
filing the stipulation of the parties hereto, "so ordered"
June 25, 2012, 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 August 21, 2012.

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

-----X
Fane Nouho,

Plaintiff-Appellant,

-against-

M-2985X
Index No. 302680/10

Rauf Meer, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme
Court, Bronx County, entered on or about December 8, 2011,

Now, after pre-argument conference and upon reading and
filing the stipulation of the parties hereto, "so ordered"
June 14, 2012, 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 August 21, 2012.

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

-----X
Angelina Ferreiras, An Infant, by her
Mother and Guardian, Loida Vargas, and
Loida Vargas Individually,
Plaintiffs-Respondents,

-against-

M-2986X
Index No. 350535/07

Michael L. Traub, M.D.,
Defendant,

Garfield A. Clunie, M.D. and The Jack
D. Weiler Hospital of the Albert
Einstein College of Medicine,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme
Court, Bronx County, entered on or about March 15, 2011,

Now, after pre-argument conference and upon reading and
filing the stipulation of the parties hereto, "so ordered"
June 14, 2012, and due deliberation having been had thereon,

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

ENTER:



CLERK

CLERK

CORRECTED ORDER AUGUST 23, 2012

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 August 21, 2012.

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

-----X
Gualbert Alvarez,

Plaintiff-Respondent,

-against-

M-3025X
Index No. 7124/05

Beth Abraham Health Services, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 18, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 14, 2012, 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 August 21, 2012.

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-2649
Ind. No. 2433N/11

Alain Fils-Aime,

Defendant-Appellant.

-----x

Defendant-appellant having moved for leave to withdraw his appeal from the judgment of the Supreme Court, New York County, rendered on or about November 1, 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 and the appeal is 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 August 21, 2012.

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-3014

Ind. No. 2006/09

Felipe Mendez,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 20, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated May 31, 2012, 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 August 21, 2012.

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-3057
Ind. No. 817/10

Rogelio Martinez, also known as
Rogelio Martin Martinez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 23, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated June 25, 2012, 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 August 21, 2012.

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-3069
Ind. No. 793/08

Torkieh Sadagheh,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 13, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated June 29, 2012, 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 August 21, 2012.

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-3165
Index No. 4838/10

Robert Linhart,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 13, 2012,

And the People having moved 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 in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 21, 2012.

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

-----X
Madelyn Hoffman, an Infant Under the
Age of Fourteen Years by her Father
and Natural Guardian Warren Hoffman
and Warren Hoffman, Individually,
Plaintiff-Respondent-Respondent,

-against-

M-2997X
Index No. 350523/09

Frost Valley YMCA,
Defendant-Appellant-Respondent,

Montefiore Medical Center,
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 17, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 26, 2012, 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:



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 August 21, 2012.

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

-----X
Stevens & Lee, P.C.,

Plaintiff-Respondent-Appellant,

-against-

M-2999X
Index No. 601847/09

Cynthia G. Levine and The Levine
Family 1999 Trust,

Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 15, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 27, 2012, 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:



CLERK

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

-----X
Graig Henriques,
Plaintiff-Respondent-Appellant/
Plaintiff-Respondent,

-against-

M-2867X
Index No. 113110/05

Patricia W. Linville,
Defendant-Appellant-Respondent/
Defendant-Appellant.

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 19, 2011 (mot. seq. no. 003); and an appeal having been taken from an order of said Court entered on or about July 12, 2011 (mot. seq. no. 004), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 19, 2011, and due deliberation having been had thereon,

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

ENTER :

Suzanne R.

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 August 21, 2012.

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-101
Ind. No. 1381/09

Oman Gutierrez,
 Defendant-Appellant.

-----X

An order of this Court having been entered on December 6, 2011 (M-3971), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 14, 2010, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is deemed withdrawn, a motion having been filed for said relief on defendant's behalf by retained counsel.

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 August 21, 2012.

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

-----X
In the Matter of

I-Majestic A. and I-Conscious R.,

Children Under 18 Years of Age M-1981A
Alleged to be Abused and/or Neglected Docket No. NA13207-8/08
Under Article 10 of the Family Court
Act.

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

George S., also known as Sun A.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq.,
Attorney for the Children.

-----X

Consolidated appeals having been taken from the order of the Family Court, New York County, entered on or about October 22, 2009, and from two orders of said Family Court, both entered on or about March 19, 2010,

And an order of this Court having been entered on June 14, 2012 (M-2361), inter alia, granting an enlargement of time to perfect the aforesaid consolidated appeals,

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

Ordered that the order of this Court entered June 26, 2012 (M-1981/DC #77) is hereby recalled and vacated, the parties having already been granted an enlargement of time to perfect the consolidated appeals.

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 August 21, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Bank of America National Association,
etc.,

Plaintiff-Respondent,

M-3109

-against-

Index No. 115035/09

Chau T. Lam and Alan Chi-Lung Wong,
also known as Alan Chi Lung Wong,
Defendants-Appellants,

Adamar of New Jersey, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 9, 2012 (mot. seq. no. 006),

And defendants-appellants having moved to stay enforcement of the aforesaid order pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before October 1, 2012 for the December 2012 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendants-appellants within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 21, 2012.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
David B. Saxe	
Sheila Abdus-Salaam	
Sallie Manzanet-Daniels	
Nelson S. Román,	Justices.

-----x

John Bradbury,

Plaintiff-Respondent,

-against-

342 West 30th Street Corp.,

Defendant-Appellant.

-----x

M-3402

M-3534

Index No. 120839/03

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 June 20, 2012,

And defendant-appellant having moved for (1) leave to apply a bond in the amount of \$275,000 from a prior appeal taken from an order of said Court entered May 12, 2009 to the present appeal, and for related relief and (2) for an order deeming certain correspondence with the IAS court part of the record on appeal (Exhibits I-J to the moving papers; Exhibit B. to main movant's reply brief) [M-3402],

And plaintiff-respondent having cross-moved for dismissal of the present appeal from the order and judgment entered on or about June 20, 2012, directing that the amount of the bond from the prior appeal in the amount of \$275,000 be released to him or, in the alternative, to require defendant-appellant to post a bond of no less than \$590,000, and directing defendant-appellant to perfect the appeal for the next available Term of Court [M-3534],

Now, upon reading and filing the papers with respect to the motion and cross motion, including correspondence from Wenig Saltiel, LLP, counsel for defendant-appellant, dated July 20, 2012, and the correspondence from Bierman & Palitz, LLP, counsel for plaintiff-respondent, dated August 13, 2012, and due deliberation having been had thereon,

It is ordered that the motion [M-3402] is granted to the extent that defendant-appellant is directed to amend the record to include the aforesaid exhibits and to correct the table of contents to reflect the inclusion of those documents in the record forthwith, and the motion is otherwise deemed withdrawn in accordance with the aforesaid correspondence. The time to perfect the appeal is enlarged to the December 2012 Term, and it is further,

Ordered that the cross motion [M-3534] is accordingly granted to the extent of dismissing the appeal unless perfected for the December 2012 Term, and the cross motion is otherwise denied, without prejudice to plaintiffs-respondents's arguments on the appeal.

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 August 21, 2012.

Present:	Hon. Peter Tom,	Justice Presiding,
	Richard T. Andrias	
	David B. Saxe	
	Karla Moskowitz	
	Rolando T. Acosta,	Justices.

-----X
In re Brandon R., etc.,

A Dependent Child Under the Age	M-2514
of Eighteen Years, etc.,	Docket No. B16833/09

Chrystal R., etc.,

Respondent-Appellant,

The Children's Aid Society,
Petitioner-Respondent.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 17, 2012 (Appeal No. 7821), 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 in all respects.

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 August 21, 2012.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Lamonte Johnson,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-2611
of the CPLR. Index. No. 402082/11

-against-

Raymond W. Kelly, et., et al.,
Respondents-Respondents.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment of the Supreme Court, New York County, entered on or about February 7, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew the portion of the motion for poor person relief, upon petitioner-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including statement of facts to show merit of contentions, as well as a statement detailing the amount and sources of his income and listing his property with its value, 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 August 21, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X

H Eighth Avenue Associates, LLC,

Plaintiff-Respondent-Appellant,

-against-

M-1501

Index No. 103296/10

Stessa Corp.,

Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 23, 2012 (Appeal No. 6902),

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 August 21, 2012.

PRESENT - Hon. Angela M. Mazzarelli,	Justice Presiding,
Richard T. Andrias	
David Friedman	
John W. Sweeny, Jr.	
James M. Catterson,	Justices.

-----X

In the Matter of

Gavin Martin W.,

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

M-2157

Docket No. B-11415/11

- - - - -
Catholic Guardian Society and Home Bureau, et al.,
Petitioners-Respondents,

Gary W.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 30, 2012, 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, 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 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 August 21, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X
In the Matter of

Mercedez Alicia Dynasty F.,

M-2800

Docket No. B33240/10

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

- - - - -
The Children's Village, et al.,
Petitioners-Respondents,

Alicia A., also known as Alicia Ryan A.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 14, 2012, 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, Elisa Barnes, Esq., 419 Park Avenue, 18th Floor, New York, NY 10016, Telephone No. (212) 693-2330, 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 August 21, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X

Dong Wo Liang,
Plaintiff-Respondent,

-against-

M-2630
Index. No. 305682/08

Bi Qing Quan,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 7, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:



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 August 21, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X
In the Matter of a Proceeding for
Support Under Article 5B of the
Family Court Act.

- - - - -
Idelfonso M., M-2676
Docket No. U13912-98/11

Petitioner-Appellant,

-against-

Nannette H.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute,
as a poor person, the appeal from the order of the Family Court,
New York County, entered on or about February 24, 2012, and for
assignment of counsel, a free copy of the transcript, and related
relief,

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

Ordered that the motion is denied, with leave to renew upon
submission of proof of service upon all parties.

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 August 21, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----x

Giulio Lupo,
Plaintiff-Appellant,

-against-

Pro Foods, LLC, et al.,
Defendants.

- - - - -

Sullivan Gardner, P.C.,
Non-Party Appellant,

-against-

The Perecman Firm, PLLC,
Non-Party Respondent.

-----x

Appellants having moved, pursuant to CPLR 5519(c), for a stay of a certain hearing scheduled before a referee pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about May 8, 2012,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated June 25, 2012, and due deliberation having been had thereon,

It is ordered that the motion is 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 August 21, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X
Terrilee 97th St. LLC,
Petitioner,

-against-

M-2891
Index No. 109833/11

The New York City Environmental
Control Board,
Respondent.

-----X
Terrilee 97th St. LLC,
Petitioner,

-against-

Index No. 110547/11

The New York City Environmental
Control Board,
Respondent.

-----X

The above-captioned two Article 78 proceedings to review the determinations of the above-named municipal respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by orders of the Supreme Court, New York County, entered on or about December 23, 2011 [Index No. 109833/11] and January 6, 2012 [Index No. 110547/11], respectively,

And petitioner having moved for consolidation of the aforesaid proceedings,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated June 14, 2012, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting petitioner to prosecute the consolidated proceedings upon 9 copies of one record and of one set of petitioner's points covering the proceedings in accordance with the aforesaid stipulation, without prejudice to a motion for an enlargement of time to perfect the consolidated proceedings if so ordered.

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 August 21, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

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

Respondent,

-against-

M-2793

Ind. No. 3578/09

Aaron Hand,

Defendant-Appellant.

-----X

Retained trial counsel, Freeman, Nooter & Ginsberg (Lee Ginsberg, Esq., of counsel), having moved to be relieved as defendant's counsel on the appeal and on defendant's behalf, for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 21, 2010, for leave to have the appeal heard upon the original record, and a reproduced appellant's brief, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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. So much of the motion in which retained counsel seeks to be relieved as counsel for defendant-appellant on the appeal 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 August 21, 2012.

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

-----X
In re Lydia D.,

Petitioner-Respondent-Appellant, M-90
M-5837
-against- M-120
Docket Nos. F-03040/06A
Thomas B., IV, F-14647/06A

Respondent-Appellant-Respondent.
-----X

Petitioner-respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 29, 2011 (Appeal Nos. 6152-54)[M-90],

And respondent-appellant-respondent having cross-moved for leave to appeal to the Court of Appeals from the aforesaid decision and order [M-5837],

And respondent-appellant-respondent having also moved, by separate motion, for an order directing plaintiff-respondent-appellant to make restitution of funds levied, pursuant to the order of the Family Court, New York County, entered on or about September 15, 2010 [M-120],

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

It is ordered that the motion [M-90] and cross motion [M-5837] for reargument and/or leave to appeal to the Court of Appeals are denied. The motion [M-120] for restitution is

granted to the extent of directing petitioner-respondent-appellant to make restitution to respondent-appellant-respondent of so much of the seized assets that do not include child support arrears, interest, or that sum ultimately due petitioner-respondent-appellant as attorney's fees, and otherwise denied.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 21, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X

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

Errol S.,
Petitioner-Respondent,

-against-

M-2585
Docket Nos. V-15003-03/08E
V-15004-03/08E

Shelidah D.,
Respondent-Appellant.

Leslie L. Lowenstein, Esq.,
Attorney for the Child, Dante S.

-----X

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about September 1, 2011, and said appeal having been perfected,

And counsel for the subject child Dante S., Samuel Feldman, Esq., having moved on the child's behalf for leave to respond to the appeal as a poor person, 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

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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, New York 11598, Telephone No. (516) 994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. The appeal is adjourned to the December 2012 Term. (See M-2884, 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 August 21, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X

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

Errol S.,
Petitioner-Respondent,

-against-

M-2884
Docket Nos. V-15003-03/08E
V-15004-03/08E

Shelidah D.,
Respondent-Appellant.

Michael S. Bromberg, Esq.,
Attorney for the Child, Jatai S.

-----X

An appeal having been taken to this Court from the order of the
Family Court, New York County, entered on or about September 1, 2011,
and said appeal having been perfected,

And counsel for the subject child Jatai S., Garline Octobre,
Esq., having moved on the child's behalf for leave to respond to the
appeal as a poor person, 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

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, Michael S. Bromberg, Esq., 44 Hampton St.,
Sag Harbor, NY 11963, Telephone No. (631) 725-0641, as counsel for
purposes of responding to the appeal; (2) permitting movant to respond
to the appeal upon a reproduced respondent's brief, on condition that
one copy of such brief be served upon the attorney for respondent-
appellant and 8 copies thereof are filed with this Court. The appeal
is adjourned to the December 2012 Term. (See M-2585, 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 August 21, 2012.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

Fedie R. Redd,
Petitioner-Appellant,

-against-

M-2420
Index No. 402474/10

Edward A. Battisti, et al.,
Respondents-Respondents.

-----X

Petitioner-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 26, 2012 (Appeal No. 7496),

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 August 21, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Nelson S. Román, Justices.

-----X
ERC 16W Limited Partnership,

Plaintiff-Appellant,

-against-

M-2695
Index No. 600870/09

Xanadu Mezz Holdings LLC, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 8, 2012 (Appeal No. 4715),

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 August 21, 2012.

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

-----X

Jorge Nieves, et al.,
Plaintiffs-Respondents,

-against-

M-2391
Index No. 24204/04

Riverbay Corporation,
Defendant-Appellant,

Aikler Asphalt Paving, Inc.,
Defendant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 3, 2012 (Appeal No. 7538-7538A),

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 August 21, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
DLJ Mortgage Capital, Inc.,
Petitioner-Respondent,

-against-

Thomas Kontogiannis, et al., M-2874
Respondents, Index No. 150095/12

June Siegel, etc., et al.,
Respondents-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 12, 2012,

And respondents-appellants having moved for an order staying enforcement of the aforesaid order appealed as well as all proceedings related thereto,

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

It is ordered that the motion denied.

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 August 21, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----x
Mark Scher, et al.,
Plaintiffs-Respondents,

-against-

Turin Housing Development Fund Company,
et al.,
Defendants/Interpleader Plaintiffs-
Respondents,

M-3203

M-3337

Coleman O'Reilly, et al.,
Defendants/Interpleader Plaintiffs,

M-3389

Index No. 110620/06

William Sersey, et al.,
Defendants/Interpleader Plaintiffs-
Appellants,

And additional parties, etc.,

Merce Williams, et al.,
Counterclaim Defendants/
Interpleader Defendants.

-----x

Defendants/interpleader plaintiffs-appellants William Sersey, et al. 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 September 6, 2011,

And respondents Turin Housing Development Fund Company, et al. (M-3337) and plaintiffs-respondents Mark Scher, et al. (M-3389) having respectively cross-moved for dismissal of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion and cross motions, 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 December 2012 Term. The cross 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 August 21, 2012.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3342
Ind. No. 4768/10

Adnan Mohammed,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 28, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 2013 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 August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Francesca DiGirolamo and Mashere
Pride-Rawls,
Plaintiffs-Appellants,

-against-

M-3285
Index No. 104145/07

Martin Horn, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement
of time in which to perfect the appeal from the order of the
Supreme Court, New York County, entered on or about August 22,
2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent
of enlarging the time in which to perfect the appeal to the
December 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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Production Resources Group LLC.,

Plaintiff-Respondent-Appellant,

-against-

M-3206

Index No. 602442/09

William Zanker, et al.,

Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 2, 2011,

And defendants-appellants-respondents having moved for an enlargement of time in which the parties' may perfect their respective appeal and cross 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 in which to perfect the appeal and cross appeal to the December 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 August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Commissioner of the State Insurance
Fund,
Plaintiff-Respondent,

-against-

M-2973
Index No. 401412/09

Private One of New York, LLC
doing business as New York
Airport Service,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 1, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
221 Second Avenue, LLC,

Plaintiff-Respondent,

-against-

M-2895

Index No. 106027/09

Fidelity National Financial, Inc.,
et al.,

Defendants,

Lynch Mob Associates, et al.,

Defendants-Appellants,

James Gomez, et al.,

Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 27, 2011 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Adrian Shipholding Inc., et al.,

Plaintiffs-Appellants,

-against-

M-3089
Index No. 600885/10

Lawndale Group S.A.,

Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 25, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Andres Pimentel, as Administrator
for the Estate of Beatrice Arias
and Andres Pimentel, Individually,
Plaintiffs-Respondents,

-against-

M-2896
Index No. 114280/07

Isabella Home, Isabella Home
Housing Company, Isabella Nursing
Home Company, Inc., formerly known
as Isabella Nursing Home and
Isabella Geriatric Center, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 9, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----x

Michael Jaliman and Estate of
Jaliman,
Plaintiffs-Appellants,

-against-

M-3099
Index No. 123882/93

D.H. Blair & Co., Inc., et al.,
Defendants-Respondents.

-----x

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the consolidated appeals from the order of the Supreme Court New York County, entered on or about February 17, 2011 (mot. seq. no. 014) and an order of the same Court and Justice entered September 19, 2011 (mot. seq. no. 015), respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the December 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 August 21, 2012.

Present - Hon. Rolando T. Acosta,	Justice Presiding,
Dianne T. Renwick	
Leland G. DeGrasse	
Helen E. Freedman	
Rosalyn H. Richter,	Justices.

-----x

Yudith Ortiz, et al.,
Plaintiffs-Respondents-Appellants,

-against-

New York City Transit Authority,	M-3220
et al.,	M-3369
Defendants-Appellants-Respondents,	Index No. 113690/06

-and-

New York City Department of
Transportation, et al.,
Defendants.

-----x

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 28, 2011 (mot. seq. no. 004),

And defendants New York City Transit Authority, et al. having moved for an enlargement of time to perfect their direct appeal (M-3220),

And plaintiffs Yudith Ortiz, et al. having cross-moved for an enlargement of time to perfect the cross appeal (M-3369),

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 motions are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the December 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 August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Vera Fisca,
Plaintiff-Appellant,

-against-

M-2786
Index No. 310071/08

Fifth Avenue 58/59 Acquisition Co.,
LLC., Fifth Avenue 58/59 Acquisition
Co., L.P., Fifth Avenue 58/59
Acquisition Co. GP Corp., Macklowe
Management, Co., Inc. and Macklowe
Management, LLC.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 1, 2011, 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 August 21, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----x
Thomas Barbato, in his own right, and
derivatively on behalf of Admit One,
LLC, and Donna Barbato,
Plaintiffs-Respondents,

-against-

M-3249
Index No. 651300/11

Leor Zahavi, et al.,
Defendants,

TLM Real Estate, LLC,
Defendant-Appellant.

-----x
Appeals having been taken to this Court by defendant TLM Real Estate, LLC from orders of the Supreme Court, New York County, entered on or about December 22, 2011 and June 21, 2012, respectively,

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

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11.

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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

In the Matter of Elizabeth Seickel,
Petitioner-Respondent,

-against-

M-3013

M-3234

Index No. 260476/11

State Insurance Fund and Risk
Management Planning Group,
Respondents-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 29, 2011,

And respondents-appellants having moved for an enlargement of time in which to perfect their appeal (M-3013),

And petitioner-respondent having cross-moved for the dismissal of the aforesaid appeal (M-3234),

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

It is ordered that the motion is granted to the extent of enlarging respondents-appellants' time to perfect the appeal to on or before October 1, 2012 for the December 2012 Term; the cross motion to dismiss the appeal is accordingly granted unless the appeal is so perfected for the December 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided petitioner-respondent serves a copy of this order upon respondents-appellants within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 21, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----x

Victor Alonzo,
Plaintiff-Appellant-Respondent,

-against-

M-3312
Index No. 22592/05

Safe Harbors of the Hudson Housing
Development Fund Company, Inc.,
Mountco Construction and Development
Corp., and Cornerstone Residence, L.P.,
Defendants-Respondents-Appellants.

-----X

Safe Harbors of the Hudson Housing
Development Fund Company, Inc.,
Mountco Construction and Development
Corp., and Cornerstone Residence, L.P.,
Third-Party Plaintiffs-Appellants,

Index No. 86187/07

-against-

M&P Construction Inc. and Utica First
Insurance Company, Inc.,
Third-Party Defendants-Respondents.

-----x

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 8, 2011, and plaintiff-appellant-respondent's direct appeal having been perfected,

And defendants/third-party plaintiffs-appellants Safe Harbors of Hudson Housing Development Fund Company, Inc., et al. having moved for an enlargement of time to perfect their cross 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 adjourning the direct appeal to the November 2012 Term, and enlarging defendants-respondents-appellants' time to perfect their cross appeal accordingly. The attention of the parties is directed to 22 NYCRR 600.11.

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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Barbara Hubshman, individually and
derivatively on Behalf of 1010
Tenants Corp.,
Plaintiff-Appellant-Respondent,

M-3162

M-3239

-against-

Index No. 114697/10

1010 Tenants Corp., et al.,
Defendants-Respondents-Appellants,

-and-

Herrick Feinstein, LLP and William P.
Friedman, etc.,
Defendants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 25, 2011 (mot. seq. no. 002),

And plaintiff-appellant-respondent, Barbara Hubshman, having moved for, inter alia, leave to withdraw her appeal from so much of the order of the Supreme Court, New York County, entered October 25, 2011 as granted the motion of defendants, Herrick Feinstein, LLP and William P. Friedman, etc., to dismiss the cause of action against them, enlarging the time in which to perfect her appeal, and for other relief (M-3162),

And defendants-respondents-appellants, 1010 Tenants Corp., et al., having cross-moved for an enlargement of time in which to perfect their cross appeal (M-3239),

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 plaintiff's motion (M-3162) is granted to the extent of deeming that portion of the appeal so designated withdrawn, the remainder of the appeal being extant. The motion and cross motion are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the December 2012 Term (M-3162 and M-3239), and otherwise denied.

ENTER:


CLERK

CORRECTED ORDER AUGUST 23, 2012

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 August 21, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Leah G.,
Taia T. G., and
Tiara G.,

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

M-2971

Docket Nos. NN35188-90/10

- - - - -
Administration for Children's
Services, et al.,
Petitioners-Respondents,

Cheryl R.,
Respondent-Appellant.

- - - - -
Carol L. Kahn, Esq.,
Attorney for the Child Leah G.,

Elisa Barnes, Esq.,
Attorney for the Child
Taia T.G.,

Steven R. Feinman, Esq.,
Attorney for the Child Tiara G.

-----X
An order of this Court having been entered on September 1, 2011 (M-3081), granting respondent-appellant leave appeal, as a poor person, her appeal from a decision after fact finding and order of disposition of the Family Court, New York County, entered on or about April 20, 2011 and May 17, 2011, respectively, and assigning counsel therefor,

And an order of this Court having been entered on September 8, 2011 (M-2890), granting respondent child Taia T. G. leave to respond to the aforesaid appeal as a poor person, and assigning Elisa Barnes, Esq., as counsel for purposes of the appeal,

And counsel for the subject child Tiara G., William O'Hern, Esq., having moved on the child's behalf for leave to respond to the appeal as a poor person, 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

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 responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. The appeal is adjourned to the December 2012 Term. (See M-2972, decided simultaneously herewith.)

ENTER:

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

CLERK

CORRECTED ORDER AUGUST 23, 2012

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 August 21, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Leah G.,
Taia T. G., and
Tiara G.,

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

M-2972

Docket Nos. NN35188-90/10

- - - - -
Administration for Children's
Services, et al.,
Petitioners-Respondents,

Cheryl R.,
Respondent-Appellant.

- - - - -
Carol L. Kahn, Esq.,
Attorney for the Child Leah G.,

Elisa Barnes, Esq.,
Attorney for the Child
Taia T.G.,

Steven R. Feinman, Esq.,
Attorney for the Child Tiara G.

-----X

An order of this Court having been entered on September 1, 2011 (M-3081), granting respondent-appellant leave to prosecute, as a poor person, her appeal from a decision after fact finding and order of disposition of the Family Court, New York County, entered on or about April 20, 2011 and May 17, 2011, respectively, and assigning counsel therefor,

And an order of this Court having been entered on September 8, 2011 (M-2890), granting respondent child Taia T. G. leave to respond to the aforesaid appeal as a poor person, and assigning Elisa Barnes, Esq., as counsel for purposes of the appeal,

And counsel for the subject child Leah G., David Goldstein, Esq., having moved on the child's behalf for leave to respond to the appeal as a poor person, 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

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, Carol A. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. The appeal is adjourned to the December 2012 Term. (See M-2971, decided simultaneously herewith.)

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 August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Syncora Guarantee Inc.,
Plaintiff-Respondent,

-against-

Jefferson County, Alabama; JPMorgan Chase Bank, N.A. and JPMorgan Securities, Inc.,
Defendants-Appellants.

M-2853
Index No. 601100/10

-----X
JPMorgan Chase, N.A., and JPMorgan Securities, LLC, sued herein as JPMorgan Securities, Inc.,
Cross-Claim Plaintiffs-Respondents,

-against-

Jefferson County, Alabama,
Cross-Claim Defendant-Appellant.
-----X

Defendant/cross-claim defendant-appellant, Jefferson County, Alabama, having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 18, 2011 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2013 Term, with leave to seek a further enlargement, if necessary. (See M-2854, 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 August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Assured Guaranty Municipal Corp.,
Formerly known as Financial Security
Assurance Inc.,
Plaintiff-Respondent,

-against-

Jefferson County, Alabama; JPMorgan
Chase Bank, N.A. and JPMorgan
Securities, Inc.,
Defendants-Appellants.

M-2854

Index No. 650642/10

-----X
JPMorgan Chase, N.A., and JPMorgan
Securities, LLC, sued herein as
JPMorgan Securities, Inc.,
Third-Party-Plaintiffs-
Respondents,

-against-

Jefferson County, Alabama,
Third-Party Defendant-Appellant.

-----X

Defendant/third-party defendant-appellant, Jefferson County, Alabama, having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 18, 2011 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2013 Term, with leave to seek a further enlargement, if necessary. (See M-2853, 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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Kaori N.,

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

M-2807

Docket No. NN-17071/09

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

Keith N.,
Respondent-Appellant.

- - - - -
Mark Paul Legere, Esq.,
Attorney for the Child.

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

- - - - -
Keith N.,
Respondent-Appellant,

Docket No. V-3951-05/08B/09C

-against-

Judy C.,
Respondent-Respondent.

-----X

An appeal having been taken to this Court from an order of the Family Court, New York County, entered on or about December 20, 2010,

And respondent-appellant having moved to withdraw his 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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against- M-2898
Ind. No. 2714/08

Tracy Byrdsong,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 19, 2011 (M-1121) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 1, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 21, 2012.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3227
Ind. No. 3946/09

Kevin O. Hamilton,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 24, 2010, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 3, 2012 for the February 2013 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 August 21, 2012.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3297
Ind. No. 307/08

Andrew Smith,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, entered on or about October 5, 2009, having moved for an extension of time for leave to file a pro se supplemental brief and for related relief, and for assignment of appellate 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 3, 2012 for the February 2013 Term, to which Term the appeal is adjourned. The motion seeking assignment of counsel is denied as assignment of counsel was previously granted by an order of this Court entered June 21, 2011 (M-1395).

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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2875

Ind. No. 3545/09

Derrick Richardson,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 21, 2011 (M-1694), inter alia, assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on December 9, 2011, and said appeal having been perfected,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 dismissing the appeal because of appellant's death on April 6, 2012, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v. Matteson*, 75 NY2d 745; *People v. Mintz*, 20 NY2d 753, 770.) The Clerk of this Court is directed to remove the appeal from the September 2012 calendar.

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 August 21, 2012.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-2877
Ind. No. 90/11

Anderson Vasquez,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as
a poor person, the appeal from the judgment of the Supreme Court,
New York County, rendered on or about February 10, 2012, 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 reproduced 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.

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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

M-3170

-against-

Ind. No. 3173/09

Neal McLeod,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 19, 2012 (M-1004) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 26, 2012,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Iilir Ademi, as Administrator of the
Estate of Bojhidara Gracova,
Deceased and Iilir Ademi, Individually,
Plaintiffs-Appellants,

-against-

M-2779
Index No. 116069/08

Town Sports International, LLC,
doing business as New York Sports
Club,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about November 28, 2011, or 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 enlarging the time in which to perfect the appeal to the January 2013 Term, with leave to seek further enlargements if necessary, 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 August 21, 2012.

Present - Hon. Rolando T. Acosta,	Justice Presiding,
Dianne T. Renwick	
Leland G. DeGrasse	
Helen E. Freedman	
Rosalyn H. Richter,	Justices.

-----x

Lisa Mayer, et al.,
Plaintiffs-Respondents,

-against-

Alberto Vilar,
Defendant-Appellant,

M-3174
Index No. 603234/04

-and-

Gary Tanaka, et al.,
Defendants.

-----x

Plaintiffs-respondents having moved for dismissal of the
appeal from an order and judgment (one paper) of the Supreme
Court, New York County, entered on or about April 17, 2012, for
failure to timely prosecute,

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 August 21, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----x

Madeline Yvonne Tims, etc., et al.,
Plaintiff-Appellant,

-against-

M-3071
Index No. 111446/11

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

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 21, 2011,

And an order of this Court having been entered on March 6, 2012 (M-136), inter alia, granting a preliminary appellate injunction staying respondent from releasing certain information on condition the appeal be perfected for the September 2012 Term, as indicated,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2012 Term, and the stay previously granted by the order of this Court entered March 6, 2012 (M-136) is continued pending hearing and determination of the appeal.

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 August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Twin City Fire Insurance Company,
et al.,
Plaintiffs-Respondents/
Cross-Appellants,

-against-

M-3033
Index No. 602062/09

Arch Insurance Group, Inc., et al.,
Defendants-Appellants/
Cross-Respondents.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 13, 2011 (mot. seq. no. 003) and amended by an order entered September 13, 2011,

And the parties having moved jointly for an enlargement of time in which to perfect the aforesaid appeal and cross 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 in which to perfect the appeal and cross appeal to the January 2013 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 August 21, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Arbitration
of Certain Controversies Between
McGiver-Morgan, Inc.,

Petitioner-Respondent,

M-3194

Index No. 653164/11

-against-

Christopher DalPiaz, et al.,

Respondents-Appellants.

-----X

Petitioner-respondent having moved for the dismissal of respondents-appellants' appeal taken from the order of the Supreme Court, New York County, entered on or about March 26, 2012,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the January 2013 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided petitioner-respondent serves a copy of this order upon the respondents-appellants within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 21, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Roselyn H. Richter, Justices.

-----X
Mushlam, Inc.,

Plaintiff-Appellant,

-against-

M-3438
Index No. 100207/08

Marie Nazon, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court. New York County, entered on or about July 10, 2012,

And plaintiff-appellant having moved to stay enforcement of so much of the aforesaid order as directs on accounting related to use and occupancy owed,

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

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

BEFORE: Hon. Dianne T. Renwick
Associate Justice of the Appellate Division

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

East 51st Street Development Company,
LLC,

Petitioner,

For A Judgement Pursuant to Article 78
Of the Civil Practice and Rules
-against-

M-3044
Index No. 112666/2011

New York City Department of
Investigations, Rose Gill Hearn, and
Marjorie Landa,

Respondents.

-----X
Respondents having moved for leave to appeal to this Court
from the order of the Supreme Court, New York County, entered on
or about March 15, 2012,

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

It is ordered that the motion is granted.



Dianne T. Renwick
Associate Justice

Dated: July 12, 2012
New York, New York

Entered: **AUG 21 2012**