

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 February 7, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
In the Matter of the Application of  
Sabrina Caban,  
Petitioner-Appellant,

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

M-5529  
Index No. 400698/10

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

Respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 3, 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 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 February 7, 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,

-against-

M-1686  
Docket No. 24264C/09

Elena Lagos,

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 26, 2010,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.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 February 7, 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,

-against-

Eric Rhano,

Defendant.  
-----x

M-1692  
Docket No. 43522C/08

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 26, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-  
  
Albert Lee,

M-1696  
Docket No. 5575C/09

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 3, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1716  
Docket No. 12122C/08

Joseph Sanchez,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 4, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1717  
Docket No. 6884C/09

Ahijah Joseph,

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 3, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-  
  
Jerell Kyer,

M-1887  
Docket No. 13772C/09

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 30, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1897  
Docket No. 6923C/09

Arnaldo Santiago,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 29, 2010,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-  
  
Leboid Richardson,

M-1934  
Docket No. 13699C/09

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 8, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1944  
Docket No. 15078C/09

Efrain Rodriguez,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 7, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1946  
Docket No. 10601C/08

Odell Mullings,  
Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 7, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1952  
Docket No. 2518C/09

Rosario Ruben,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 18, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1953  
Docket No. 61230C/08

Tykeem Jones,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 3, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1961  
Docket No. 8799C/08

Wendy Rivera,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 17, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-1976  
Docket No. 3195C/09

Gregory Scott,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 12, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 2012.

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

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

-against-  
  
Laguaner Richburg,

M-2000  
Docket No. 59616C/08

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 21, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-2004  
Docket No. 25008C/08

David Ruiz,

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 16, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-2006  
Docket No. 11060C/09

Ebony Rice,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 15, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-2098  
Docket No. 19001C/09

Carl Satterwhite,

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 22, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-2092  
Docket No. 25540C/09

Jose Rivera,  
  
Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 24, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 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,

-against-

M-2103  
Docket No. 18999C/09

Delfino Sanchez,  
  
Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 22, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, 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 February 7, 2012.

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

-----X  
Jerome Weinrib,  
Plaintiff-Respondent,

-against-

Andrew Kim, M.D., White Plains  
Anesthesia Group, Westchester  
Anesthesiologists, P.C. White Plains  
Hospital Center, White Plains Hospital  
Center Foundation, Inc., doing business  
as "White Plains Hospital Center",  
Philip Weber, M.D., Carl Weber, M.D.,  
and Carl Weber M.D. & William P.  
Homan, M.D., P.C.,  
Defendants-Appellants.

M-113  
Index No. 116637/08

-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about October 7, 2011 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated December 22, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2012 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 February 7, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

-against- **M-5271**  
Ind. No. 1722/09

Cheichina Hamala Sidibe, also known as  
Cheichna Ha Sidibe,  
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 November 2, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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.

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 February 7, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli,  
Richard T. Andrias  
John W. Sweeny, Jr.  
Nelson S. Román, Justices.

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

-against-

**M-5202**

Case No. 66965C/09

Leonardo Coronado,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 11, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 7, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X

The City of New York,

Plaintiff-Appellant,

-against-

**M-5368**

Index No. 401916/03

General Star Indemnity Company,  
et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant 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 February 9, 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 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 February 7, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
Luljeta Cano and David Cano,  
Plaintiffs-Respondents,

-against-

Blockbuster, Inc.,  
Defendant.

**M-5468**  
Index No. 8262/05

-----X  
Blockbuster, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

The City of New York,  
Third-Party Defendant-Appellant.

-----X  
Blockbuster, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

New York City Transit Authority,  
Third-Party Defendant-Respondent.

-----X

Third-party defendant-appellant 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 July 7, 2010,

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

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

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 February 7, 2012.

Present: Hon: Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

Ted Johnson,  
Defendant-Appellant.

**M-5518**

Ind. Nos. 4078/01  
4664/01  
6996/01

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 17, 2009,

And retained counsel Edward Land, Esq. having moved for a waiver of the e-filing requirement of this Court (22 NYCRR § 600.11) in connection with the perfection of the aforesaid appeal, and for related relief,

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

It is ordered that the motion is granted and appellate counsel is directed to perfect the appeal for the September 2012 Term 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 February 7, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Arianit Simoni,  
Plaintiff-Respondent,

-against-

M-5461  
Index No. 24300/06

Elizabeth Costigan,  
Defendant-Appellant,

-and-

Ann Morgan Bernardone and  
Antonio Sanchez,  
Defendants-Respondents.

-----X

Defendant-appellant 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 February 17, 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 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 February 7, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
31-33 West 129th Street HDFC,  
Petitioner-Appellant,

-against-

M-5609  
Index No. 107353/11

New York State Attorney General,  
et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for a stay of enforcement pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 29, 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 and the interim relief granted by an order of a Justice of this Court, dated December 12, 2011, is hereby vacated (See M-5610, 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 February 7, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
51-53 West 129th Street HDFC,  
Petitioner-Appellant,

-against-

M-5610  
Index No. 107352/11

New York State Attorney General,  
et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for a stay of enforcement pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 29, 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 and the interim relief granted by an order of a Justice of this Court, dated December 12, 2011, is hereby vacated (See M-5609, 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 February 7, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Mark Yuen, et al.,  
Plaintiffs-Respondents,

-against-

M-5687  
Index No. 108069/10

Ray H. Liao, et al.,  
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 February 14, 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 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 February 7, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----x

County of Nassau,  
Plaintiff-Appellant,

-against-

M-5820  
Index No. 401279/09

Metropolitan Transportation Authority,  
et al.,

Defendants-Respondents.

-----x

Appeals having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 8, 2011, and from an order of said Court entered on or about December 5, 2011 (mot. seq. no. 002),

And plaintiff-appellant having moved for an order consolidating the aforesaid appeals, and enlarging the time in which to perfect same,

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 consolidating the aforesaid appeals and enlarging the time in which to perfect said appeals to on or before March 19, 2012 for the June 2012 Term. Plaintiff-appellant is permitted to prosecute the consolidated appeals upon 8 copies of one record and one copy of appellants' points covering the aforesaid 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 February 7, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Arianit Simoni,  
Plaintiff-Respondent,

-against-

M-5461  
Index No. 24300/06

Elizabeth Costigan,  
Defendant-Appellant,

-and-

Ann Morgan Bernardone and  
Antonio Sanchez,  
Defendants-Respondents.

-----X

Defendant-appellant 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 February 17, 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 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 February 7, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Jane Maynard,  
Plaintiff-Appellant,

-against-

M-5722  
Index No. 109672/05

E. Sander Connolly, M.D., et al.,  
Defendants-Respondents,

-and-

Employees and Does 1-100 and  
Unknown Surgical Substance  
Manufacturer,  
Defendants.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 10, 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 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 February 7, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Leonard Bligen and Helen Brackett,  
Petitioners-Appellants,

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

M-5736  
Index No. 402020/10

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

Respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 9, 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 February 7, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-5274  
Ind. No. 3484/88

Rodney Brye,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 25, 1996 (Appeal No. 56715), unanimously affirming a judgment of the Supreme Court, New York County (Jay Gold, J.), rendered on January 3, 1989,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 7, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta, Justices.

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

-against-

M-5669  
Ind. No. 6084N/08

Derrick Moultrie, also known as  
Derrick Moultric,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 25, 2010, and for related relief, and said appeal having been perfected,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on February 7, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
Sophia Kang,  
Plaintiff-Respondent-Appellant,

-against-

M-18  
Index No. 350210/06

Edward Kim,  
Defendant-Appellant-Respondent.  
-----X

Defendant-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about November 7, 2011 (mot. seq. no. 010), pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected on or before March 19, 2012 for 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 February 7, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X

Aristone Realty Capital, LLC,  
Plaintiff-Respondent,

-against-

**M-38**

Index No. 651302/11

9 E 16<sup>th</sup> Street LLC,  
Defendant-Appellant,

Regal Real Estate, LLC, doing  
business as Regal Investments Inc.,  
et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 6, 2011, and said appeal having been perfected for the March 2012 Term,

And defendant-appellant having moved for an order granting a preference in the hearing of the aforesaid perfected appeal,

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

Ordered that the motion is granted to the extent of directing the Clerk to maintain the appeal on this Court's calendar for the March 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 February 7, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
In the Matter of the Application of  
Dwight Blair,  
Petitioner-Respondent,

For a Judgment Pursuant o Article 78 M-51  
of the Civil Practice Law and Rules, Index No. 260724/09

-against-

New York State Division of Housing  
and Community Renewal,  
Respondent,

Concourse Village Inc.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for a stay of a certain hearing concerning computation of attorney's fees pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 21, 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 on condition the appeal is perfected on or before March 19, 2012 for the June 2012 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioner- respondent serves a copy of this order upon respondent-appellant 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 February 7, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Zurab Kakushadze,  
  
Plaintiff,

-against-

**M-98**  
Index No. 303607/11

Elodie Gora,  
  
Defendant.

-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, dated September 8, 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 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 February 7, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Helen E. Freedman, Justices.

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

-against-

M-5302  
Docket No. 23876C/09

Kevin Reyes,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 16, 2009,

And assigned counsel having moved to dismiss the appeal, without prejudice, as abandoned,

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.

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 February 7, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
Eleanor Duffy,  
Plaintiff-Appellant,

-against-

Dr. James M. Vogel, et al.,  
Defendants-Respondents.

M-5374  
Index No. 120794/02

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about January 5, 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 February 7, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
Martin Riskin and Grace Riskin,  
Plaintiffs-Appellants,

-against-

M-5699  
Index No. 401508/08

Hon. Jerome M. Karp, also known as  
Jerry Karp,  
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 December 14, 2010 (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 denied and, sua sponte, 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 February 7, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta

-----X  
In the Matter of the Application of  
Bridgette Murdough,  
Petitioner-Appellant,

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

M-5739  
Index No. 401288/11

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

Respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 28, 2011, as untimely taken,

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 February 7, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

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

-against-

M-5863  
Ind. No. 2211/11

Yamicii Kevelier,  
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 December 21, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth, in detail, the amount and sources of his income and listing his property with its value; his Federal tax returns filed for the years 2009 and 2010, the amount and sources of funds for trial counsel's fee and to post bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.) [See M-5863A, decided simultaneously herewith.] [See M-5863A, decided simultaneously herewith].

ENTER:

  
CLERK

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

BEFORE: Sheila Abdus-Salaam  
Justice of the Appellate Division

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

Respondent,

-against-

M-5863A  
Ind. No. 2211/11

Yamicii Kevelier,

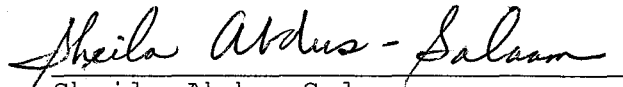
Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the State of New York, rendered on or about December 21, 2011,

And defendant-appellant having moved for a stay of execution and enforcement of the judgment or, in the alternative, releasing her on her own recognizance or admitting her to bail, 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. (See M-5863, decided simultaneously herewith.)

  
\_\_\_\_\_  
Sheila Abdus-Salaam  
Associate Justice

Dated: New York, New York

Entered:

FEB - 7 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 February 7, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

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

-against-

M-5798  
Ind. No. 2269/08

Keith Waters,  
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 January 4, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Amelio Mariano, Esq., and to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 7, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

Elizabeth Clayborne,  
Petitioner,

**M-5294**  
Index No. 25152/10

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

-against-

The City of New York Department of  
Housing Preservation & Development,  
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, Bronx County, entered on or about December 8, 2010,

And petitioner pro se having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time in which to perfect the 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 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 9 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. Sua sponte, the time to perfect the proceeding is enlarged to on or before July 19, 2012 for the September 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 February 7, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Helen E. Freedman, Justices.

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

-against- M-5347  
Ind. No. 43872C/10

Sean Ward,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 26, 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 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.

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 7, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

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

-against-

M-5270  
Ind. No. 4987/09

Henry Vargas,,  
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 April 21, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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 M. Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212)577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 7, 2012.

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

-----X  
100 Audubon Holdings, L.P.,  
Petitioner-Respondent,

-against-

M-4659  
Index No. 570079/10

Ruben Hernandez,  
Respondent-Appellant.

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about April 5, 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 February 7, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

JP Morgan Chase Bank, National Association,

Plaintiff-Respondent,

-against-

**M-27**

Index No. 107099/09

Saadia Shapiro,

Defendant-Appellant,

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

Defendants.

-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 February 7, 2012.

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

-----X  
In the Matter of the Application of  
Marilyn C. Figueroa,  
Petitioner-Appellant,

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

-against-

M-5829  
Index No. 260143/10

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

-----X

Petitioner-appellant 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 March 17, 2011, for leave to prosecute, as a poor person, the aforesaid appeal, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or about March 19, 2012 for the June 2012 Term. The motion, insofar as it seeks leave to appeal as a poor person, assignment of counsel and related relief, is denied, with leave to renew upon petitioner-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to show the merit of contentions, as well as a statement detailing the amount and sources of her income.

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 February 7, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X

Victor Alonzo,  
Plaintiff,

-against-

M-5471  
Index No. 22592/05

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

-----X

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

-against-

Third Party  
Index No. 86187/07

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

-----X

M&P Construction Inc.,  
Fourth-Party Plaintiffs,

-against-

Globe Realty & Insurance Agency  
and Alfredo Stanco,  
Fourth-Party Defendants-Respondents.

-----X

Defendants/third-party plaintiffs-appellants having moved for a further enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 12, 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 denied and, sua sponte, 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 February 7, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
Anthony Branham, Sr., as Administrator  
of the Estate of Elizabeth Branham and  
Anthony Branham, Sr., Individually,  
Plaintiffs-Appellants,

-against-

R.V. Ambulette, Inc. and Antonio  
Villafane, Jr.,  
Defendants-Respondents.  
-----X

M-5735  
M-5743  
Index No. 302427/09

Plaintiffs-appellants 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 March 16, 2011 (M-5735),

And defendants-respondents having cross moved to dismiss the aforesaid appeal (M-5743),

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 for an enlargement of time to perfect the appeal is denied (M-5735). The cross motion is granted and the appeal is dismissed (M-5743).

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 February 7, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Hassan A. Shabazz,

Plaintiff-Appellant,

-against-

**M-5713**

Index No. 14390/03

The City of New York, et al.,

Defendants-Respondents.

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

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 2, 2011,

And The Perecman Firm PLLC, counsel for plaintiff, having moved to stay so much of the aforesaid order as directed The Perecman Firm PLLC to release \$110,126.98 from its escrow account to Segal & Lax, former counsel for plaintiff, pending hearing and determination of the appeal,

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

It is ordered that the motion is granted on condition that the sum of \$110,126.98 remain in escrow pending hearing and determination of the appeal, and on the further condition that the appeal is perfected on or before March 19, 2012 for 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 February 7, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

In re Bausch & Lomb Contact Lense  
Solution Product Liability Litigation

-----  
Plaintiffs in the New York Coordinated  
Proceeding,

Plaintiffs-Appellants,

M-4805

Index No. 766000/07

-against-

Bausch & Lomb,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 15, 2011 (Appeal No. 5228),

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 February 7, 2012.

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

-----X

Ralph Brannon,  
Plaintiff-Appellant,

-against-

M-39  
Index No. 112619/08

Maura McHugh Joseph Mills, et al.,  
Defendants,

Paul Schreiber, etc., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 15, 2011 (Appeal No. 6026N),

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 February 7, 2012.

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

-----X  
New York City Campaign Finance Board,  
Plaintiff-Respondent,

-against-

M-5293  
Index No. 401380/09

Robby Mahadeo, et al.,  
Defendants-

Ray L. Trotman, etc.,  
Defendant-Appellant.

-----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 October 18, 2011 (Appeal No. 5738),

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 February 7, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sheila Abdus-Salaam Justices.

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

-against-

Onel Ojeda, also known as O'Neil Ojeda,  
Defendant-Appellant.

M-3656  
Ind. Nos. 3909/00  
4359/00

-----X

A decision and order of this Court having been entered on October 12, 2004 (Appeal Nos. 4952-53), unanimously affirming a judgment of the Supreme Court, Bronx County (Joseph Fisch, J.), rendered on May 10, 2002, and a judgment of said Court (William Mogulescu, J.), rendered June 21, 2002,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 7, 2012.

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

-----X

H & H Custom Homes Inc.,  
Plaintiff-Respondent,

-against-

M-145  
Index No. 651119/10

Mitchell H. Kossoff and Farmview  
Estates LLC,  
Defendants-Appellants.

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about February 22, 2011,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before March 19, 2012 for the June 2012 Term. Sua sponte, defendant's time in which to perfect the appeal is enlarged to said 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 February 7, 2012.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
James M. Catterson  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Moona C.,  
Robina C.,  
Amal K., and  
Nadia K.,

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

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

M-88  
Docket Nos. NN2641-44/08

Charlotte K.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq., Legal Aid Society,  
Law Guardian for Children Moona C.,  
Amal K. and Nadia K.,

Michael Moorman, Esq., Lawyers for  
Children, Law Guardian for Child  
Robina C.

-----X

Respondent-appellant having moved for a further enlargement of time in which to perfect the appeal from the orders of the Family Court, New York County, entered on or about May 1, 2009 and October 26, 2009, 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 appeals to on or before March 19, 2012 for the June 2012 Term, with no further enlargements to be granted.

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 7, 2012.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

**M-5373**  
Ind. No. 3137/09

Santiago Gonzalez,  
Defendant-Appellant.  
-----X

An order of this Court having been entered on June 22, 2010 (M-2363) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 6, 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

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

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

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

M-3785  
Ind. No. 1359/94

-against-

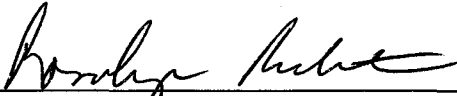
CERTIFICATE  
DENYING LEAVE

Ricardo Bueno,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 15, 2011, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: September 9, 2011  
New York, New York

ENTERED: FEB - 7 2012