

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 2012.

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

-----X  
Jeffrey Mariash and Claire Mariash,  
Plaintiffs-Respondents,

-against-

M-2460  
Index No. 102318/10

1230 Brook Avenue Corporation,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 8, 2012 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated May 17, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2012 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY 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 June 19, 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,  
Respondent,

-against-

M-2390  
Ind. No. 524/93

Ivan Calaff,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 24, 1993, 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, 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:

  
DEPUTY 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 June 19, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Cadlerock Joint Venture, L.P.,  
Plaintiff-Appellant,

-against-

M-2415  
Index No. 105190/07

Sol Greenberg & Sons International,  
Inc., et al.,  
Defendants-Respondents.

-----X

Counsel for 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 April 19, 2012 (Appeal No. 7283/7283A),

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:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X

In re Peter Principe,  
Petitioner-Respondent,

-against-

M-2234  
Index No. 116031/09

New York City Department of  
Education,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 5, 2012 (Appeal No. 6289),

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

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

"Was the order of this Court, that affirmed the order of the Supreme Court, properly made?"

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

ENTER:



DEPUTY 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 June 19, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Andrew Arnold,  
Plaintiff-Appellant,

-against-

**M-2283**

Index No. 260282/08

The New York State Division of  
Human Rights, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about April 4, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion is otherwise denied.

ENTER:



DEPUTY 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 June 19, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of a Paternity Proceeding  
Under Article 5 of the Family Court Act.

- - - - -  
Alexis T.,  
Petitioner-Respondent,

-against-

M-2456  
Docket No. P-15062/08

Vanessa C.-L.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about June 22, 2010, 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 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 petitioner-appellant and 8 copies thereof are filed with this Court. The appeal is adjourned to the November 2012 Term.

ENTER:



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DEPUTY 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 June 19, 2012.

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

-----X

The People of the State of New York,

Respondent,

-against-

**M-2102**

Ind. No. 2223/10

Edward L. Coney,

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 February 22, 2012, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Victor Alonzo,  
Plaintiff-Appellant-Respondent,

-against-

M-2529  
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,

-against-

Third-Party  
Index No. 86187/07

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 Victor Alonzo having moved for an enlargement of time in which to perfect the direct appeal,

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

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

ENTER:

  
DEPUTY 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 June 19, 2012.

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

-----X

Alexander Ashkenazi, etc.,  
Plaintiff-Appellant,

-against-

M-988  
Index No. 115034/07

AXA Equitable Life Insurance Company,  
Defendant-Respondent.

-----X

Defendant-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 January 31, 2012 (Appeal Nos. 6643-6644),

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:



DEPUTY 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 June 19, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Commitment of

Shawn Michael N.,  
"Baby Boy" T., also known as  
Michael T., also known as  
Michael N., Troy Damian N.,  
and Damian Troy N.,

Dependent Children Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York. M-2426  
Docket Nos. B-11809-12/11

-----  
Edwin Gould Services for Children  
and Families, et al.,  
Petitioners-Respondents,

Lydia T.,  
Respondent-Appellant.

-----  
Jessica Brown, Esq.,  
Attorney for the Children.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 2, 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., 350 Broadway, Suite 1100, New York, NY 10013, 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 therefor<sup>1</sup> **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:



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DEPUTY CLERK

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<sup>1</sup>Service 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 June 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Amondie T.,  
Brittany H., and  
Tatiana F.,

M-2272

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

Docket Nos. NN21888/10  
NN21890/10  
NN21891/90

- - - - -

Administration for Children's  
Services,  
Petitioner-Respondent,

Dwayne S.,  
Respondent-Appellant.

- - - - -

Steven Banks, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Attorney for the Children  
Brittany H. And Tatania F.,

Israel P. Inyama, Esq.,  
Attorney for the Child  
Amondie T.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding of the Family Court, Bronx County, entered on or about January 17, 2012, and an Order of Disposition of said Court entered on or about April 2, 2012, for the 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, Anne Reiniger, Esq., 801 Second Avenue, 10<sup>th</sup> Floor, New York, NY 10017, Telephone No. (212) 972-5430, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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** (See M-2459, decided simultaneously herewith).

ENTER:



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DEPUTY CLERK

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<sup>1</sup>Service 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 June 19, 2012.

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

-----X

In the Matter of

Amondie T.,  
Brittany H., and  
Tatiana F.,

M-2459

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

Docket Nos. NN21888/10  
NN21890/10  
NN21891/90

- - - - -

Administration for Children's  
Services,  
Petitioner-Respondent,

Dwayne S.,  
Respondent-Appellant.

- - - - -

Steven Banks, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Attorney for the Children  
Brittany H. And Tatania F.,

Israel P. Inyama, Esq.,  
Attorney for the Child  
Amondie T.

-----X

Assigned trial counsel for the child, Amondie T., having moved for leave to respond, as a poor person, to the appeal from an Order of Fact-Finding of the Family Court, Bronx County, entered on or about January 17, 2012, and an Order of Disposition of said Court entered on or about April 2, 2012, for the assignment of counsel, a free copy of the transcript, and for related relief,

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, Israel P. Inyama, Esq., 244 Fifth Avenue, Suite 2582, New York, NY 10001, Telephone No. (212) 595-9090, 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 petitioner-appellant and 8 copies thereof are filed with this Court (See M-2272, decided simultaneously herewith).

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 June 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-2308  
Ind. No. 6221/06

David Wesley, also known as Kevin Kimp,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 28, 2011 (Appeal Nos. 5476, 5477), unanimously modifying a judgment of the Supreme Court, New York County (John Cataldo, J.), rendered on August 14, 2007, otherwise affirming same, and affirming a judgment of the same Court and Justice rendered on November 27, 2007,

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:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
MH Residential 1, LLC, MH Residential 2,  
LLC and MH Commercial, LLC, as Tenants  
in Common,  
Petitioner-Landlord-Respondent,

-against-

M-2145  
Index No. 570081/08

John G. Barrett and Michael Barrett,  
et al.,  
Respondents-Tenants-Appellants,

"John Doe" and "Jane Doe",  
Respondents-Undertenant.

-----X

Respondents-tenants-appellants 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 December 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. Appellants shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Dr. Howard Kudler,  
Petitioner-Respondent,

-against-

Dr. Barry Truffelman, et al.,  
Respondents-Appellants.

M-2028  
Index No. 600237/08

- - - - -  
Dr. Howard Kudler,  
Petitioner-Appellant,

-against-

Dr. Barry Truffelman, et al.,  
Respondents-Respondents.

-----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 March 22, 2012 (Appeal Nos. 6093, 6094, 6095, 6096),

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:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X

Roza Ayzenberg,  
Plaintiff-Respondent-Appellant,

-against-

M-2164  
Index No. 116013/10

Bronx House-Emanuel Campus, Inc., etc.,  
Defendant-Appellant-Respondent.

-----X

Plaintiff-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 March 29, 2012 (Appeal No. 7224),

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:



DEPUTY 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 June 19, 2012.

PRESENT : Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of

Barry Fried,

For the Appointment of a Guardian  
of the Person and Property of

M-2365  
Index No. 500073/10

Dorothy Fried,

Karen Young,  
Non-Party Appellant.

-----X

Separate appeals having been taken by non-party appellant Karen Young from the orders of the Supreme Court, New York County, entered on or about July 8, 2011 and July 22, 2011, respectively,

And non-party appellant having moved for consolidation of the aforesaid appeals, 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 non-party appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before October 1, 2012 for the December 2012 Term. The motion is otherwise denied.

ENTER:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

Doris D.,  
Plaintiff-Respondent,

**Confidential**

M-2077

-against-

Index No. 300167/10

Fernando D.,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 9, 2011,

And defendant-appellant having moved to permanently enjoin plaintiff-respondent and her agents from proceeding in a Civil Court action in Ecuador, and for related relief, 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, and the interim relief granted by an order of a Justice of this Court dated April 25, 2012, is vacated.

ENTER:



DEPUTY 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 June 19, 2012.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices

-----X

In the Matter of

Sequoia J., also known as  
Sequoia Antoinette J.,

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

**M-2398**  
Docket No. B9796/10

-----  
Commissioner of Social Services of the  
City of New York, et al.,  
Petitioners-Respondents,

Benjamin J., also known as Benjamin  
Dennis J.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 4, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of prosecuting the appeal; (2) directing the

Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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:



DEPUTY CLERK

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<sup>1</sup>Service 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 June 19, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

In the Matter of the Commitment of

Nicolas Jude B., also known as  
Nicolas J. B., also known as  
Nicolas B.,

A Dependent Child Under the Age of 18 Years  
Pursuant to §384-b(4)(b) of the Social  
Services Law of the State of New York.

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

M-2406  
Docket No. B24831/11

Michelle Marguerite B., also known as  
Michelle M. B., also known as  
Michielle B., Michell Marguerite  
B., also known as Michell M. B.,  
Also known as Michell B., also known as  
Michele Marguerite B., also known as  
Michele M. B., also known as Michele B.,  
Respondent-Appellant.

- - - - -  
Tamara Steckler, 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 April 23, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. 914-682-2171, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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:



---

DEPUTY CLERK

---

<sup>1</sup>Service 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 June 19, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Philip Ralph Belpasso,  
Plaintiff-Appellant,

-against-

**M-2421**  
Index No. 100363/11

Port Authority of New York and New Jersey,  
et al.,  
Respondents-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about September 8, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

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

ENTER:



DEPUTY 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 June 19, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

**M-2364**  
Ind. No. 6168/09

Darren Thomas,  
Defendant-Appellant.  
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 21, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

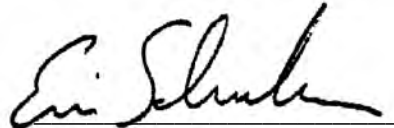
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 June 19, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of

Jamie V.,

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

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

M-2385  
Docket No. NN-14277/10

Jamie V.,  
Respondent-Appellant.

- - - - -  
Lisa H. Blitman, Esq.,  
Attorney for the Child.

-----X

Attorney for subject child having moved for leave to respond, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 16, 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

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, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10601, Telephone No. (212) 724-2792, 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 petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. Catterson  
Karla Moskowitz, Justices.

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

-against-

M-1537  
Ind. No. 2332/06

Anthony Barnes,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 11, 2008 (Appeal No. 4791), unanimously affirming a judgment of the Supreme Court, New York County (Renee White, J.), rendered on June 26, 2007,

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:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
James L. Melcher,  
Plaintiff-Respondent,

-against-

M-2288  
Index No. 650188/07

Greenberg Traurig LLP and Leslie D.  
Corwin,  
Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 14, 2011,

And plaintiff-respondent having moved pursuant to CPLR 5711, to transfer the aforesaid appeal to the Appellate Division, Third Department,

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:



DEPUTY 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 June 19, 2012.

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

-----X  
Walter S. McNaughton,  
Plaintiff-Appellant,

-againts-

M-2256  
Index No. 251040/11

RY Management and NYCHA,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about March 12, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied, with leave to renew upon plaintiff+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.

ENTER:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Roy S. Hiller,  
Plaintiff-Respondent,

-against-

James P. Lo,  
Defendant-Appellant.

M-2211  
M-2378  
Index No. 603200/07

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect his appeal from the order of the Supreme Court, New York County, entered on or about June 24, 2011 (mot. seq. no. 002) [M-2211],

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal [M-2378],

Now, upon reading and filing the papers with respect to the motion and the cross 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 November 2012 Term [M-2211]. The cross motion is denied [M-2378].

ENTER:



DEPUTY 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 June 19, 2012.

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

-----X

Carroll Bing,  
Plaintiff-Respondent,

-against-

M-2293  
Index No. 112065/09

296 Third Avenue Group, L.P., et al.,  
Defendants-Appellants,

Al-Hafeez News Inc.,  
Defendant.

-----X

Plaintiff-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 April 3, 2012 (Appeal No. 6486),

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:



DEPUTY 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 June 19, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-1829  
Ind. No. 1337/02

Woodrow Flemming,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 9, 2006 (Appeal No. 8037), unanimously affirming a judgment of the Supreme Court, New York County (Charles Tejada, J.), rendered on September 15, 2003,

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:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X

Latipac Corp.,  
Plaintiff-Appellant,

-against-

M-1078  
Index No. 101213/09

BMH Realty LLC, 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 February 2, 2012 (Appeal No. 3609N-3610N),

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:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

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

ACTION NO. 1

M-1320

M-1308

Index No. 117469/08

-against-

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

City of New York School Construction  
Authority, et al.,  
Defendants.

-----X  
Donald Raymond Leo, Administrator  
of the Estate of his Son, Donald  
Christopher Leo, Deceased May 30,  
2008,

ACTION NO. 2

Index No. 117294/08

Plaintiffs-Appellants,

-against-

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

-----X

Separate appeals having been taken by the above-named plaintiffs in Actions 1 and 2 from the respective orders of the Supreme Court, New York County, both entered on or about February 8, 2011,

And the aforesaid plaintiffs-appellants having moved, by separate motions, to enlarge the time in which to perfect said appeals,

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the respective appeals to the December 2012 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

---

DEPUTY 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 June 19, 2012.

Present - Hon. John W. Sweeny, Jr.,                   Justice Presiding,  
                  James M. Catterson  
                  Rolando T. Acosta  
                  Helen E. Freedman  
                  Nelson S. Román,                   Justices.

-----x  
80 Varick Street Group, L.P.,

Plaintiff-Respondent,

-against-

M-2282  
Index No. 108635/09

Donald MacPherson,

Defendant-Appellant.  
-----x

And appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 7, 2012 (mot. seq. no. 003),

And defendant-appellant having moved for a stay of execution and enforcement of the order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition that defendant continue to pay use and occupancy as indicated by the order of a Justice of this Court dated May 8, 2012 in the monthly amount of \$3,789.41, and on condition the appeal is perfected for the November 2012 Term.

ENTER:



DEPUTY 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 June 19, 2012.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Uniformed Fire Officers Association,  
Local 854, IAFF AFL-CIO and Uniformed  
Firefighters Association, Local 94,  
IAFF, AFL-CIO,  
Petitioners-Respondents,

-against-

M-2133  
Index No. 101799/12

The City of New York,  
Respondent-Appellant.

-----X

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

And petitioners-respondents having moved for vacatur of the statutory stay pursuant to CPLR 5519(a) or in the alternative, for preference for the hearing of the appeal,

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

It is ordered that the motion is denied, with leave to renew, should respondent-appellant fail to perfect the aforesaid appeal on or before August 6, 2012 for the October 2012 Term.

ENTER:



DEPUTY CLERK



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

BEFORE: Hon. James M. Catterson  
Justice of the Appellate Division

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

Respondent

M-2254  
Dkt.No. 97X 0011264

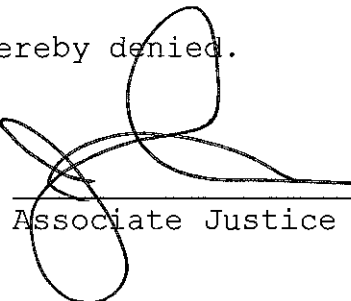
-against-

CERTIFICATE  
DENYING LEAVE

Princess Patterson,

Defendant.  
-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, dated March 28, 2012, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: May 30, 2012  
New York, New York

ENTERED: **JUN 19 2012**

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

BEFORE: Hon. Rolando T. Acosta  
Justice of the Appellate Division

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

M - 2419  
Ind. No. 6799/98

-against-

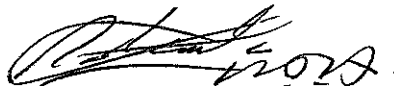
CERTIFICATE  
DENYING LEAVE

Edwin Echevarria,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 29, 2011, is hereby denied in its entirety. That part of the application that sought poor person's relief and assignment of counsel is also denied.



Hon. Rolando T. Acosta  
Associate Justice

Dated: May 31, 2012  
New York, New York

ENTERED: JUN 19 2012

PM ORDERS  
ENTERED ON  
JUNE 14, 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 June 14, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Arina Aristova,

Plaintiff-Respondent,

-against-

M-2526  
Index No. 311931/10

Michael Derkach,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about May 9, 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

PM ORDERS  
ENTERED ON  
JUNE 19, 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 June 19, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----x  
Ivy Francis,

Plaintiff-Respondent,

-against-

M-2185  
Index No. 308735/08

Winston Francis,

Defendant-Appellant.  
-----x


An appeal having been taken from the an order and judgment (one paper) of the Supreme Court, New York County entered on or about March 13, 2012,

And defendant-appellant having moved for a stay of the judgment, including distribution of the marital assets, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
DEPUTY CLERK