

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
James Price and Lois Price,  
Plaintiffs-Appellants,

-against-

M-2819X  
Index No. 103661/10

Park Avenue Plaza Owner, LLC,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 28, 2013 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 16, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

-----X  
Samantha Christie,  
Plaintiff-Respondent,

-against-

M-2820X  
Index No. 308079/07

Joseph Schrank,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 17, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 16, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

Countrywide Home Loans, Inc., et al.,  
Defendants-Appellants-Respondents,

M-2580  
M-2613  
Index No. 602825/08

Bank of America Corp.,  
Defendant.

- - - - -

The Securities Industry and Financial  
Markets Association and the Association  
of Financial Guaranty Insurers,  
Amici Curiae.

-----X

Defendants-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 2, 2013 (Appeal No. 9672) [M-2580],

And the Securities Industry and Financial Markets Association and the Association of Financial Guaranty Insurers having moved for leave to file brief as amicus curiae in connection with the aforesaid motion [M-2613],

Now, upon reading and filing the papers with respect to the motions including the stipulation between the parties dated May 15, 2013, and due deliberation having been had thereon,

It is ordered that the motion for leave to appeal to the Court of Appeals is deemed withdrawn [M-2580]. The motion for leave to file brief as amicus curiae is deemed withdrawn accordingly [M-2613].

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 July 23, 2013.

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

-----X  
Lower East Side II Associates, L.P.,  
Plaintiff-Respondent,

-against-

349 E. 10th Street, LLC,  
Defendant-Appellant.

M-2424  
Index No. 653362/11

-----X

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about March 7, 2013,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated May 8, 2013, 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 July 23, 2013.

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

-----X  
Destin Mills,

Plaintiff-Respondent,

-against-

G-Unit Enterprise, Inc., et al.,  
Defendants,

M-3025  
Index No. 102378/07

Rosa Brown,  
Defendant-Appellant,

Staci Plaza,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 4, 2011 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto, dated May 28, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 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 July 23, 2013.

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

-----X  
Christina Clements,  
Plaintiff-Respondent,

-against-

Larry Carr,  
Defendant-Appellant.

M-3014  
Index No. 309251/06

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 3, 2013 (mot. seq. no. 016),

Now, upon reading and filing the stipulation of the parties hereto, dated May 29, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2013 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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

-----X  
In the Matter of the Application of  
BMO Capital Markets Corp.,  
Petitioner-Respondent,

-against-

M-2834  
Index No. 650154/12

Daisuke Sasano and Takken America  
Co., Ltd.,  
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, on or about March 6, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated May 15, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2013 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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

-----X  
Global Leveraged Capital Advisors,  
LLC, et al.,  
Plaintiffs-Appellants,

-against-

M-3060X  
Index No. 651514/12

Beckett Media LLC and The Financial  
Association Corporation,  
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 5, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 30, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

-----X  
Sean Studer,  
Plaintiff-Appellant,

-against-

M-3059X  
Index No. 350065/11

Helena Studer,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 27, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 29, 2013, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
RSR Partners, Inc.,  
Plaintiff-Respondent,

-against-

M-3058X  
Index No. 652508/12

Xcovery, Inc., doing business as  
Tyrogenex, Inc.,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 27, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 29, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
Jacfran Corp. and Jacadi USA, Inc.,  
Plaintiffs-Respondents,

-against-

M-2792X  
Index No. 650751/12

Sarah Mund Katz,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 25, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 13, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
LFR Collections LLC,  
Plaintiff-Respondent,

-against-

M-2821X  
Index No. 652544/11

Tate Law Group, LLC and Mark Tate,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 18, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 16, 2013, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Dianne T. Renwick  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

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

-against-

Robert Camarano,  
Defendant-Appellant.

**M-2647**

Ind. Nos. 3914/08  
2918/08

-----X

An order of this Court having been entered on December 6, 2012 (M-4308), granting defendant leave to prosecute, as a poor person, the appeal from the judgments of the Supreme Court, New York County, both rendered on or about June 21, 2010,

And defendant-appellant having moved pro se for an order relieving Robert S. Dean, Esq., 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 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 July 23, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Dianne T. Renwick  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

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

-against-

M-2631  
Ind. No. 1819/11

Jason Diaz,  
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 21, 2013, 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, setting forth the amount and sources of monies to pay the fee of trial counsel, Howard Greenberg, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Darcel D. Clark, Justices.

-----X  
BDCM Opportunity Fund II, LP, et al.,

Plaintiffs-Respondents,

-against-

**M-2312**

Index No. 650150/12

Yucaipa American Alliance Fund I, LLP,  
et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 29, 2013,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X

149 Madison LLC,  
Petitioner-Appellant,

-against-

M-1793  
Index No. 570321/11

Paul J. Bosco,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 21, 2013 (Appeal No. 9306), and for other relief,

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

It is ordered that the motion is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman, Justices.

-----X

The People of The State of New York,  
Respondent,

-against-

M-2585A  
Ind. Nos. 2237/09  
1369/10

Michael Banano, also known as Michael  
Bonano,

Defendant-Appellant.

-----X

An order of this Court having been entered on July 7, 2012 (M-2224), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2011, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And an order of this having been entered on March 28, 2013 (M-4558), granting defendant leave to file a pro se supplemental brief for the September 2013 Term; denying defendant's request to relieve assigned counsel and to substitute new counsel on the appeal; denying defendant permission to proceed pro se on said appeal, and adjourning the appeal to said September 2013 Term,

And defendant having moved for renewal/reconsideration of the aforesaid order of this Court entered on March 28, 2013 (M-4558),

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 relieving assigned counsel, Robert S. Dean, Esq., as counsel on defendant's appeal, striking said assigned counsel's appellate brief, striking the appeal from the calendar and granting defendant permission to proceed pro se on his appeal, and enlarging the time to perfect the appeal to on or before September 30, 2013 for the December 2013 Term. Defendant is advised that his appeal will not be heard until he returns the previously forwarded minutes to the Clerk's Office of this Court, the poor person relief previously granted is continued in all other respects, and the motion is otherwise denied. The order of this Court entered on June 25, 2013 (M-2585) is hereby recalled and vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X

Alexandre Van Damme,  
Plaintiff-Respondent,

-against-

Nahum Gelber,  
Defendant-Appellant,

M-2386  
Index Nos. 601995/07  
590203/08

Arij Gasiunasen Fine Art of  
Palm Beach, Inc., etc.,  
Defendant.

- - - - -

[And a Third-Party Action].

-----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 March 19, 2013 (Appeal Nos. 9553, 9553A, 9553B),

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 July 23, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

-----X

Carlos Pacheco,  
Plaintiff-Respondent,

-against-

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

M-2194  
Index No. 16368/07

P.O. Lopez, etc., et al.,  
Defendants.

-----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 March 21, 2013 (Appeal Nos. 9273, 9274),

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 July 23, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman, Justices.

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

**SEALED**

M-2794

-against-

Ind. Nos. 2774/08

Jose Figueroa,  
Defendant-Appellant.

1381/10

3403/11

-----X

An order of this Court having been entered on April 12, 2012 (M-572/M-912/M-913), granting defendant leave to prosecute, as a poor person, the appeals from judgments of the Supreme Court, New York County, rendered on or about January 10, 2012, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeals,

And assigned counsel on the appeal having moved to be relieved as counsel and to substitute other counsel to prosecute the appeal, and for related relief,

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

It is ordered that the motions are granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5<sup>th</sup> Floor, New York, New York 10038, Telephone No. 212-577-3688 as such counsel. The poor person relief previously granted is continued, and appellant's time to perfect the appeal is enlarged until 120 days from the date of the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Darcel D. Clark, Justices.

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

-against- **M-2595**  
Ind. No. 5990/08

Clevester Hemphill,  
Defendant-Appellant.  
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 12, 2010, 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:

  
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 July 23, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----x  
Harvey Tanton and Malenea Colonna,  
Plaintiffs-Respondents-Appellants,

-against-

Lefrak SBN Limited Partnership, et al.,  
Defendants-Respondents,

M-2895  
Index No. 106601/08

Benihana N.Y. Restaurants Corp.,  
Defendant,

-and-

Temco Service Industries, Inc.,  
Defendant-Appellant-Respondent.

-----x  
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 25, 2013 (mot seq nos. 004, 005, 006), and said appeal having been perfected,

And defendant-respondent Bay Leaf Enterprises, Ltd. having moved for dismissal of plaintiffs' cross appeal,

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

It is ordered that the motion is denied. (See CPLR § 5501[c].)

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 July 23, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

-against-

M-1132  
Ind. No. 1045/95

Freddie Mendoza, also known as  
Freddie Lara,  
Defendant.

-----X

A judgment of the Supreme Court, New York County (Bernard Fried, J.), having been rendered on October 11, 1996,

And defendant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of trial 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 July 23, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
Kathryn Jordan,  
Plaintiff,

-against-

Townhouse Company, LLC, et al.,  
Defendants.

M-3126  
M-3127  
Index No. 103326/12

-----X

An order of this Court having been entered on May 28, 2013 (M-1164/M-1859), inter alia, dismissing the appeal taken by plaintiff from the order of the Supreme Court, New York County, entered on or about September 28, 2012,

And plaintiff having moved for reargument, and other relief (M-3126),

And plaintiff having moved, by separate motion, for an enlargement of time to perfect said appeal, for an injunction barring respondents from filing any further pleadings in this case, and for sanctions (M-3127),

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

It is ordered that the motions are denied and, sua sponte, the Clerk is directed to accept no further papers in this matter from plaintiff unless plaintiff obtains prior leave from this Court before any such filing.

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 July 23, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
In the Matter of the Application of  
Christie's Inc.,

Petitioner-Respondent,

**M-3344**

Index No. 103584/12

-against-

William I. Koch,

Respondent-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 4, 2012, and said appeal having been perfected,

And petitioner-respondent having moved to supplement the record on appeal with a copy of an order in a related California action, *William I. Koch v Rudy Kurniawan*, of the Superior Court of the State of California, County of Los Angeles, dated December 4, 2012 (Exhibit D to the affirmation of Patrick G. Rideout, Esq. submitted in support of the motion), and with a certain superseding indictment against the aforementioned *Rudy Kurniawan* in the United States District Court of the Southern District of New York (Exhibit E to the aforesaid affirmation), 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 petitioner-respondent is directed to file 9 copies a supplemental record on appeal with the Clerk of this Court containing the aforementioned material (the aforesaid Exhibits D & E), forthwith. The appeal is adjourned to the October 2013 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
The People of the State of New York,  
ex rel. Kathryn Dyer, Esq., on behalf  
of Edwin Carceres,  
Petitioner-Appellant,

-against-

M-3132  
Ind. No. 250776/13

Dora B. Schriro, et al.,  
Respondents-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about June 5, 2013, which denied his application for a writ of habeas corpus,

And petitioner-appellant having moved for a preference in the hearing of the aforesaid appeal and for bail reduction pending hearing and determination of said appeal,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
21 Group, Inc., doing business as  
Gypsy Rose,  
Petitioner-Respondent,

**M-3086**

For a Judgment Pursuant to Article 78 Index No. 103932/12  
of the Civil Practice Law and Rules,

-against-

New York State Liquor Authority,  
Respondent-Appellant.  
-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 24, 2013,

And petitioner-respondent having moved to dismiss the aforesaid appeal or, in the alternative, declare that no automatic stay applies pursuant to CPLR 5519(a) or, in the alternative, to vacate said automatic stay,

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

It is ordered that the motion is granted only to the extent of declaring that the automatic stay shall remain extant on condition that respondent perfects the appeal on or before September 30, 2013 for the December 2013 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 July 23, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

-against-

M-2586  
Ind. No. 4780/85

Edward Bowman,  
Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 13, 1985,

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. (CPL 460.30[1])

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 July 23, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X

Joyce Wong, individually and as the Administratrix of the goods, chattels and credits of Fredesbinda Wong, also known as Fredeswinda Wong, deceased,

Plaintiffs-Appellants,

M-3296

Index No. 108906/06

-against-

German Masonic Corporation, etc.,  
et al.,

Defendants-Respondents.

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

-----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 February 22, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term, with no further enlargements.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----x  
Carole Seborovski,

Plaintiff-Respondent,

-against-

M-3281  
Index No. 304958/10

Jorge Kirschtein,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the partial judgment of the Supreme Court, New York County, entered on or about September 14, 2013, or for alternative relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
Klaus Thymann,  
Plaintiff-Appellant,

-against-

AFG Management, LLC, et al.,  
Defendants-Respondents.

M-3257  
Index No. 650465/10

-----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 August 29, 2012 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
Frankie Prado,  
Plaintiff-Appellant,

-against-

M-3187  
Index No. 115008/10

Heung Jung and Hanna Seo,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 13, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----x

Madeline Annie Rosario, by her  
Mother and Natural Guardian, Maria  
Rosario, and Maria Rosario,  
Individually,  
Plaintiff-Respondent,

M-3184  
Index No. 15185/05

-against-

New York City Health and Hospitals  
Corporation, etc.,  
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 27, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
John Gaudio,  
Plaintiff-Appellant,

-against-

M-3003  
Index No. 7411/05

David Gonzalez, Central Bronx  
Orthopedic Group, P.C.,  
Defendants-Respondents,

Our Lady of Mercy Medical Center,  
et al.,  
Defendants.

-----X

Plaintiff-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 20, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X  
Walter Pantovic,  
Plaintiff-Appellant,

-against-

M-2865  
Index No. 117471/08

YL Realty, Inc., et al.,  
Defendants-Respondents.

-----  
(And a third-party action)  
-----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 August 2, 2012 (mot. seq. no. 011),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-2612**

Ind. No. 4005/11

Daniel J. Everett,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 14, 2012 (M-2907) 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 May 14, 2012, and assigning counsel therefor,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

-----X

Mageedah Akhtab,  
Plaintiff-Appellant,

-against-

M-3250  
Index No. 106770/11

BCBG Max Azria Group, Inc.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Supreme Court, New York County, entered on or about April 19, 2012, June 28, 2012 (mot. seq. nos. 002, 003), August 23, 2012 (mot. seq. nos. 004, 005), and October 24, 2012 (mot. seq. nos. 005, 006), respectively, 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 granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files 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 time to perfect the appeal is enlarged to the November 2013 Term.

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on July 23, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
In the Matter of the Application of  
the State of New York,  
Petitioner-Respondent,

For Commitment Under Article 10  
of the Mental Hygiene Law,

M-3001  
Index No. 30096/10

-against-

Frank P.,  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 4, 2013,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of 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 General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf. 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 July 23, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

-against-

Alex Zapata,  
Defendant-Appellant.

**M-2568**  
Ind. No. 429/10  
Case No. 1601C/10

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 29, 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.

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 July 23, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Liberty Insurance  
Underwriters, Inc.,  
Plaintiff-Appellant,

-against-

Perkins Eastman Architects, P.C., M-1283  
Defendant-Respondent. Index Nos. 113946/06  
- - - - - 590995/07

Perkins Eastman Architects, P.C.,  
Third-Party Plaintiff-Appellant,

-against-

ACE American Insurance Company,  
Third-Party Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 27, 2012 (Appeal No. 8910),

Now, upon reading and filing the papers with respect to the motion including the correspondence from Joelle M. Burton, Esq. dated May 28, 2013, 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 July 23, 2013.

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

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

-against-

M-2946  
Ind. No. 47/12

Arlester Saxon,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 28, 2013 (M-119), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 19, 2012, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is 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, Roma Baran, Esq., 305 Broadway, Suite 1100, New York, New York 10007, Telephone No. 212-431-4106, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Helen E. Freedman  
Paul G. Feinman, Justices.

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

-against- **M-2788**  
Ind. No. 1151/11

Leonard J. Kinsler, also known as  
Leonard Kinsler,  
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 March 26, 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 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



"Was the order of this Court, which modified 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

---

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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

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

-against-

Kenneth J. Lynch, also known as  
John Lynch,  
Defendant-Appellant.

M-2456  
Ind. Nos. 6021/09  
6033/11

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 5, 2012,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and deeming said motion one for leave to prosecute the appeal as a poor person and granting the motion as such 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-2847  
Ind. No. 3359/11  
Case No. 53947C/11

Edgar R. Walker,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 26, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-2846  
Ind. No. 3725/12  
Case No. 68157C/12

Temika Tucker,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 12, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-2845  
Ind. No. 2783/10  
Case No. 40452C/10

Derek J. Simmons,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 22, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-2844  
Ind. No. 910/12

Luis A. Suazo,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 30, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

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

-against-

M-2843  
Case Nos. 66178C/11  
9654C/12

Randy U. Ruiz, also known as  
Vladimir Ruiz,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeals from judgments of the Supreme Court, Bronx County, rendered on or about February 28, 2012, 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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

**CONFIDENTIAL**

M-2841

-against-

Ind. Nos. 4911/10  
1032/13

George Moore,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeals from judgments of the Supreme Court, New York County, rendered on or about March 13, 2013 and April 12, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

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

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

-against-

M-2837  
Ind. No. 757/08  
Case No. 6905C/08

William Gay, also known as  
Williams Gay,  
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 15, 2012, 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.

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 July 23, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-2835  
Ind. No. 3402/12

Curtis L. Cooper,  
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 December 11, 2012, 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 July 23, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X

The People of the State of New York  
ex rel. Dale Robertson,

Petitioner,

-against-

M-1849  
Ind. No. 3214/09

Artemio Colon, Warden, Manhattan  
Detention Center; New York City  
Department of Corrections,

Respondent.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the petition is denied (CPLR § 7003[b]).

ENTER:

  
CLERK

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

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

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

M-3015  
Ind. No. 3303/99

-against-

CERTIFICATE  
DENYING LEAVE

Hasson Zarif,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about May 1, 2013 (Bonnie Wittner, J.) is hereby denied.

  
Associate Justice

Dated: June 25, 2013  
New York, New York

ENTERED: **JUL 23 2013**

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-769  
Ind. No. 5175/84

-against-

CERTIFICATE  
DENYING LEAVE

Adrober Garcia,

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 December 21, 2012, is hereby denied.

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

Dated: June 24, 2013  
New York, New York

ENTERED: JUL 23 2013

PM ORDERS  
ENTERED ON  
JULY 23, 2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
William J. Lieberman,  
Plaintiff-Respondent,

-against-

**M-3254**  
Index No. 308962/07

Johanna O. Lieberman,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about May 21, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief, and for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted only to the extent of enlarging the time to perfect the appeal to on or before September 3, 2013 for the November 2013 Term, with no further enlargements, and otherwise denied.

ENTER:

  
CLERK