

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Export Development Canada,  
Plaintiff-Appellant,

-against-

M-4732X  
Index No. 651340/11

Metro 22, Inc.,  
Defendant-Respondent.

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

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 13, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 17, 2014, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Luis Morales,  
Plaintiff-Respondent,

-against-

M-4733X  
Index No. 304893/09

Webster Leasing, LLC., Regional  
Scaffolding & Hoisting Co., Inc.,  
Defendants-Appellants.  
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 8, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 16, 2014, and due deliberation having been had thereon,

It is ordered that plaintiff's cross appeal is withdrawn in accordance with the aforesaid stipulation.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 November 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Victor L. Anderson, et al.,  
Plaintiffs-Respondents,

-against-

M-4734X  
Index No. 301700/11

Renee M. Cummins,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 10, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 18, 2014, 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 November 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In Re: Empire State Realty Trust, Inc. M-4633  
Investor Litigation Index No. 650607/12

-----X

Appeals having been taken from a judgment and orders of the Supreme Court, New York County, entered on or about May 17, 2013,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between all parties dated September 12, 2014, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Rosalyn H. Richter  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X  
Diana Rodriguez,  
Plaintiff-Appellant,

-against-

M-4110  
Index No. 108217/05

The Mount Sinai Hospital,  
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about September 13, 2013 (mot. seq. no. 005),

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Richard T. Andrias  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X

In the Matter of the Commitment of  
the Guardianship and Custody of

Grace Elvania P.,

A Dependant Child Under the Age of 18 Years  
Pursuant to Section 394-b of the Social  
Services Law of the State of New York.

M-4637

Docket No. B-31090/13

-----  
The Children's Aid Society,  
Petitioner-Respondent,

Judyth P.,  
Respondent-Appellant.

-----  
Laura Beth Daly, Esq.,  
Attorney for the Child.

-----X

Petitioner having moved for dismissal of the appeal taken from an order of the Family Court, New York County, entered on or about April 9, 2014, as untimely taken,

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

It is ordered that the motion is 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 November 6, 2014.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Peter Tom	
Dianne T. Renwick	
Judith J. Gische,	Justices.

-----x

The Carlyle, LLC,

Plaintiff-Respondent,

-against-

M-4916

Index No. 652780/13

Beekman Garage LLC, et al.,

Defendants-Appellants.

-----x

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about July 2, 2014,

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

It is ordered that the motion to dismiss the appeal is granted unless defendants-appellants perfect the appeal on or before February 23, 2015 for the May 2015 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 November 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Richard T. Andrias  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X  
In Re: New York City Asbestos Litigation  
-----X

Joann Garbutt, as Administrator for  
the Estate of John Garbutt, and  
Joann Garbutt, Individually,  
Plaintiff-Appellant,

M-4834  
Index No. 190358/12

-against-

A.O. Smith Water Products Co.,  
et al.,  
Defendants-Appellants.

-----X

Defendant-appellant Lennox Industries, Inc. 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 January 2, 2014 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5318  
D.C. #41  
Ind. No. 6003/01

Allen Moye,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 31, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the February 2015 Term and counsel is directed to so perfect.

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 November 6, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

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

- - - - -

**M-4094**

Augustine A., Docket No. P-20437/13  
Petitioner-Respondent,

-against-

Samantha S.-R.,  
Respondent-Appellant.

-----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 April 10, 2014, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hasting On Hudson, NY 10706, Telephone No. (914) 439-4843, 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 (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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 the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

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

CLERK

ORDER CORRECTED NOVEMBER 14, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

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

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

-against-

**M-2724**  
Ind. No. 7298/00

Tyrone Craig,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 29, 2009, withdrawing the appeal taken from the judgment of the Supreme Court, **New York County**, rendered on or about December 9, 2008, in accordance with the stipulation of the parties dated October 19, 2009,

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 in its entirety.

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 November 6, 2014.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
                 David B. Saxe  
                 Leland G. DeGrasse  
                 Rosalyn H. Richter  
                 Darcel D. Clark,                      Justices.

-----x

Susan Sterk-Kirch, et al.,  
Plaintiffs-Appellants,

-against-

M-4349  
Index No. 151578/13

Uptown Communications & Electric, Inc.,  
Defendant-Respondent,

Time Warner Cable Inc., et al.,  
Defendants.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about June 26, 2013 (mot. seq. no. 002) and September 9, 2013 (mot. seq. no. 003), respectively, and said appeals having been perfected,

And defendant-respondent having moved for leave to strike all references to a previously removed supplemental appendix in plaintiff-appellant's reply brief,

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

It is ordered that the motion is denied. Sua sponte, judicial notice is taken of the affirmation of Philip Wellner, Esq., dated April 12, 2013.

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 November 6, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Diane T. Renwick  
Judith J. Gische, Justices.

-----X

Overseas Shipholding Group, Inc.,  
Plaintiff-Respondent,

**M-4974**

-against-

Index No. 650765/14

Proskauer Rose, LLP, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about September 16, 2014 and on or about September 25, 2014, respectively,

And defendants-appellants having moved for an order clarifying that the record on appeal includes certain material or, alternatively, enlarging the record on appeal to include said material,

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 November 6, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Richard T. Andrias  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X

John F. Bostany,  
Plaintiff-Appellant,

**M-4715**

-against-

Index No. 602627/08

Trump Organization LLC and 40 Wall  
Street LLC,  
Defendants-Respondents.

-----X

An appeal having been taken from an amended judgment of the Supreme Court, New York County, entered on or about August 1, 2014, and said appeal having been perfected,

And plaintiff-appellant having moved for a stay of the attorney's fee hearing in connection with the underlying rent/lease dispute, pending hearing and determination of the appeal,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Leland DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Application of  
Mashawn Kirkman,  
Petitioner,

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

**M-3347**  
Index No. 400117/13

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 6, 2013, to review a determination of respondent,

And an order of this Court having been entered on May 22, 2014 (M-1652), dismissing the aforesaid proceeding,

And respondent having moved for reinstatement of the aforesaid dismissed proceeding, and for leave to prosecute the proceeding as a poor person,

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

It is ordered that the motion is granted in all respects on condition petitioner provides respondent or its agents with access to the subject apartment between 9:00 a.m. and 7:00 p.m. for the purpose of unannounced inspections to confirm the absence of the excluded individuals as provided in paragraph 1(E) of the Stipulation of the parties dated July 30, 2008 (Exhibit 2 to the affirmation of Kimberly Wong, Esq. submitted in opposition to the motion), and on further condition that petitioner perfects said proceeding on or before January 5, 2015 for the March 2015 Term. The proceeding is to be heard on the original record and upon a reproduced petitioner's brief, on



condition that petitioner serves one copy of such brief upon the attorney for respondent and files 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:

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

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present - Hon. Peter Tom,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische,

Justice Presiding,  
  
Justices.

-----X  
Vasiliki Lagis,  
Plaintiff-Respondent,

-against-

M-4575  
Index No. 150489/12

Board of Trustees of the Fashion  
Institute of Technology, et al.,  
Defendants,

-and-

City of New York,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 23, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application of  
JPMorgan Chase Bank, N.A., as Trustee  
of the trust created by

Harry Edison,  
Grantor,

**M-3650**

**M-3882**

**Surrogate's Court**  
File Nos. 3676/10  
3676A/10

for the benefit of Edna L. Edison.

-----X

In the Matter of the Application of  
JP Morgan Chase Bank, N.A., as Trustee  
of the trust created by

Harry Edison,  
Grantor,

**Surrogate's Court**  
File No. 3676/10

for the benefit of Sidney J. Edison.

-----X

An appeal having been taken from the order of Surrogate's Court, New York County, entered on or about April 6, 2012 and a purported appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about August 17, 2011,

And an order of this Court having been entered on December 31, 2013 (M-5904/M-6108), inter alia, dismissing the aforesaid purported appeal,

And an order of this Court having been entered on May 15, 2014 (M-1351), denying reinstatement of the aforesaid purported appeal,

And claimant-appellant having moved for clarification and for reargument of the order of this Court, entered May 15, 2014 (M-1351), denying reinstatement of the aforesaid dismissed purported appeal [M-3650],

And petitioner having cross-moved for sanctions, an award of reasonable counsel fees, and an injunction barring further filings [M-3882],

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

It is ordered that the motion and cross motion are denied.

ENTER:

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

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
David B. Saxe  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X

Christina Garcia, et al.,  
Plaintiffs-Appellants,

-against-

**M-1611**

Index No. 101039/10

New York-Presbyterian Hospital  
also known as the University of  
Columbia and Cornell, et al.,  
Defendants-Respondents,

Steven Kushner, M.D.,  
Defendant.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 27, 2014 (Appeal No. 11835N),

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 November 6, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Terry Edmund, et al.,  
Plaintiffs-Appellants,

-against-

**M-3660**  
Index No. 1429/04

Albert Einstein Hospital, et al.,  
Defendants-Respondents,

Jacobi Hospital, et al.,  
Defendants.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 19, 2014 (Appeal Nos. 12816, 12816A, 12816B),

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 November 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

Anna Pezhman,  
Plaintiff-Appellant,

-against-

Chanel, Inc., et al.,  
Defendant-Respondent.

M-4258

M-4193

Index No. 104778/11

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 7, 2014, and said appeal having been perfected,

And plaintiff-appellant, pro se, having moved to supplement the appendix on appeal with a certain transcript entered May 8, 2014 (M-4258),

And defendant-respondent having cross-moved to dismiss plaintiff's appeal, or in the alternative, for an extension of time to file its respondent's brief (M-4193),

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

It is ordered that the motion is granted to the extent of granting plaintiff leave to file a supplemental appendix containing the aforesaid transcript entered May 8, 2014, to be filed on or before November 10, 2014 as an exhibit to the appeal and otherwise denied (M-4258). Defendant's cross motion to dismiss the appeal is granted to the extent of dismissing the appeal from the order entered on May 7, 2014, insofar as it denied reargument and otherwise denied (M-4193).

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 November 6, 2014.

Present - Hon. Peter Tom,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische,

Justice Presiding,  
  
Justices.

-----x  
D & R Global Selections, S.L.,  
Plaintiff-Respondent,

-against-

Bodega Olegario Falcon Piniero,  
Defendant-Appellant.  
-----x

M-4856  
M-5022  
Index No. 603732/07

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 26, 2013, and said appeal having been perfected,

And plaintiff-respondent having moved for adjournment of the aforesaid appeal, to require that defendant-appellant supplement the record on appeal with legible versions of designated pages alleged to be illegible, and for other relief (M-4856),

And defendant-appellant having cross-moved for the imposition of sanction and costs against plaintiff-appellant, and for other relief (M-5022),

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

It is ordered that the motion is granted to the extent of granting plaintiff-respondent leave to file, at plaintiff's own expense, a supplemental record with pages substituting for the following pages in the current record; 15-27, 167-173, 179-180, 182-195, 198, 201, 318, 325, 506, 524, 625-626, 629-631, 640, 652-658, 665, 667, 715, 717-730, 733, 747 and 748-752, as well as page 200 of the deposition transcript of Maria Falcon Oubina, and adjourning the appeal to the March 2015 Term. The motion is otherwise denied (M-4856). The cross motion is denied (M-5022).

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 November 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X

The People of the State of New York  
ex rel. Leonardo Almeida,  
Petitioner,

M-4306

-against-

Warden, G.R.V.C.,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, 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 be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at George R. Vierno Center, 09-09 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
Diane T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Yim Toy Eng,  
Petitioner,

**M-4569**  
Index No. 100471/14

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

-against-

John B. Rhea, as Chairman of the  
New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 13, 2014, to review a determination of respondent,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for a stay of a related proceeding in the Civil Court of the City of New York, New York County, entitled *New York City Housing Authority v Yim Toy Eng*, Index No. L&T 12328/14,

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

It is ordered that the motion is granted to the extent of staying the aforesaid proceeding on condition that petitioner perfects the proceeding on or before January 5, 2015 for the March 2015 Term, and permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 November 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
American Transit Insurance Company,  
Plaintiff-Respondent,

-against-

M-4049  
Index No. 301291/12

Jaga Medical Services, P.C., et al.,  
Defendants-Appellants,

Michael Chedister, et al.,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about July 12, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Jose Garcia and Rafael H. Diaz,  
Plaintiffs-Appellants,

-against-

M-3955  
Index No. 104032/10

Eugene B. Feilgelson,  
Defendant-Respondent.

-----X

Plaintiffs-appellants 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 October 24, 2013 (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 March 2015 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 November 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of  
Freddy Herrera,  
Petitioner-Appellant,

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules,

M-4130  
Index No. 100941/13

-against-

City of New York Civil Service  
Commission, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 24, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In the Matter of the Application of  
Doron Zabari,  
Petitioner-Appellant,

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules,

M-4142  
Index No. 103725/12

-against-

New York City Loft Board, et al.,  
Respondents-Respondents.

-----X

Petitioner-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 October 9, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

In the Matter of the Arbitration Between

Cordell Lochin,  
Petitioner,

-against-

M-4469  
Index No. 650523/13

Corner Deli Management LLC,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 8, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of  
Mark Rieser,  
Petitioner-Respondent,

For a Judgment Pursuant to Article  
78 of the CPLR,

-against-

M-4924

Index No. 103424/12

New York City Department of  
Education,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 25, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Cooperatieve Centrale Raiffeisen-  
Boerenleenbank B.A., et al.,  
Plaintiff-Appellant,

-against-

M-4327  
Index No. 651437/12

Francisco Javier Herrera Navarro,  
Defendant-Respondent.

-----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 December 11, 2013 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2015 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 November 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In the Matter of

The New York Foundation for Senior  
Citizens, Guardian Services, Inc.,

M-4205  
Index No. 406536/07  
as the Substitute Guardian of the  
Person Property of

Susan Smith,

An Incapacitated Person.  
-----X

Respondent-appellant, pro se, having moved for an order enlarging the time to perfect the appeals from orders of the Supreme Court, New York County, entered on or about October 22, 2013 and April 7, 2014, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to the March 2015 Term. Appellant is permitted to prosecute the appeals upon 9 copies of one record and one copy of appellant's points covering the aforesaid appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X  
NYCTL 1998-2 Trust, et al.,  
Plaintiffs,

-against-

AMBU Trans Holding Corp.,  
Defendant-Respondent,

**M-4483**  
Index No. 382383/09

-and-

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

Homechester Realty LLC,  
Intervenor-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 12, 2014,

And intervenor-appellant having moved to stay defendant-respondent from redeeming the subject real estate property from certain city tax and other liens, and from selling, leasing, subleasing, mortgaging or otherwise transferring any interest in the subject premises, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before January 5, 2015 for the March 2015 Term. Upon failure to so perfect, respondent may move on notice to vacate the aforesaid relief.

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 November 6, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----x  
"Jane Doe #10",  
Plaintiff-Appellant,

-against-

M-4913  
Index No. 805293/13

The New York and Presbyterian Hospital,  
et al.,  
Defendants-Respondents.  
-----x

Consolidated appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about December 10, 2013, and May 22, 2014, and said consolidated appeals having been perfected,

And plaintiff-appellant having moved for an order enlarging the record on appeal to include the criminal indictment, the arraignment minutes dated June 17, 2014 or, in the alternative, for this Court to take judicial notice of the aforesaid documents,

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

It is ordered that the motion is granted to the extent of directing plaintiff to file forthwith Exhibits F and G, attached to the affirmation of Anthony DiPetro, Esq. submitted in support of the motion, under seal, without prejudice to arguments on the respondent's brief. The Clerk is directed physically remove and file, under seal, the aforesaid criminal indictment and arraignment minutes previously submitted as Exhibits A and B to the plaintiff's reply on motion M-2919 (order entered August 21, 2014), and otherwise to designate and maintain this matter confidential.

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 November 6, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----x  
Tiffany Beard,  
Plaintiff-Appellant,

-against-

M-4538  
Index No. 113057/11

Themed Restaurants Inc., doing business  
as Lucky Cheng's,  
Defendant-Respondent.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 27, 2013 (mot. seq. no. 002), and said appeal having been perfected,

And counsel for defendant-respondent, Havkins Rosenfeld Ritzert & Varriale, LLP having moved for leave to withdraw as counsel for defendant-appellant, for an enlargement of time to perfect the appeal to permit defendant-respondent sufficient time to obtain new counsel, and for an extension of time to submit a respondent's brief,

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

It is ordered that the motion is granted and permitting Havkins Rosenfeld Ritzert & Varriale, LLP to withdraw as counsel on the appeal. The appeal is adjourned to the February 2015 Term. Defendants-respondents are granting an extension of time to file a respondent's brief to on or before January 7, 2015 for said February 2015 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 November 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
The People of the State of New York  
ex rel. Matthew Williams,  
Petitioner,

-against-

M-4294

Warden, G.M.D.C.,  
Respondent(s).

-----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 application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X

Blanca Soltero,

Plaintiff-Respondent,

-against-

M-4568

Index No. 305833/09

City of New York,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about November 19, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X  
Quaray H., an Infant under the age  
of 14 years by his Mother and Natural  
Guardian, Raven H.,  
Plaintiff-Appellant,

-against-

M-4639  
Index No. 17870/07

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about November 22, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X  
Lynn Lucka Bergman,  
Plaintiff-Respondent,

-against-

M-4959  
Index No. 35257/02

Franklin Bergman,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect his appeal from an order of the Supreme Court, New York County, entered on or about November 8, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2015 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 November 6, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X  
Castlepoint Insurance Company,  
Plaintiff-Respondent,

-against-

M-4628  
Index No. 156301/12

Himland Realty LLC, et al.,  
Defendants,

-and-

Mujebah A. Abdulla,  
Defendant-Appellant.

-----X

Defendant-appellant Mujebah A. Abdulla having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 14, 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 granted to the extent of enlarging the time to perfect defendant-appellant Mujebah A. Abdulla's appeal to the March 2015 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 November 6, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-4758  
Index No. 3772/09

Alty Adamson,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about November 3, 2011, and said appeal having been perfected,

And defendant-appellant having moved for preference in 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.

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 November 6, 2014.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

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

-against-

**M-2803**

Ind. No. 2682/07

Alonzo Jacobs,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 2, 2013 (Appeal No. 10514), unanimously affirming the judgment of the Supreme Court, Bronx County (John W. Carter, J.), rendered on July 23, 2009,

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 in its entirety.

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 November 6, 2014.

Present: Hon. David Friedman,	Justice Presiding,
John W. Sweeny, Jr.	
Diane T. Renwick	
Richard T. Andrias	
David B. Saxe,	Justices.

-----X

PS 157 Lofts LLC, et al.,

Petitioner-Landlord-Appellant,

**M-4099**

-against-

Index No. 570467/13

Kimberly Austin, et al.,

Respondents-Tenants-Appellants.

-----X

An order of this Court having been entered on July 24, 2014 (M-2737), denying respondents-tenants-appellants 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 31, 2013,

And respondents-tenants-appellants having moved, pro se, for renewal and reargument of their aforesaid motion denied by an order of this Court, entered on July 24, 2014 (M-2737), or, in the alternative, for leave to appeal to the Court of Appeals,

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

It is ordered that the motion is 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 November 6, 2014.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

David Bouley,  
Plaintiff-Respondent,

-against-

**M-3583**

**M-3391**

Index No. 151822/12

W. Robert Curtis,  
Defendant-Appellant.

-----X

An appeal having been taken by defendant from orders of the Supreme Court, New York County, entered on or about August 26, 2013,

And defendant pro se having moved for an enlargement of time to file a notice of appeal from an order of said Court entered on or about April 30, 2014 (M-3583),

And defendant pro se having moved for an enlargement of time to perfect the appeal from the order entered on or about August 26, 2013 (M-3391),

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 appeals are dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Carlos J. Cuevas,  
Plaintiff,

-against-

Xin Chen,  
Defendant.  
-----X

**M-4191**

**M-4417**

Index No. 306463/13

A motion having been filed for dismissal of a cross appeal purportedly taken to the Appellate Division, Second Judicial Department, from an order of the Supreme Court, Bronx County, entered on or about April 10, 2014,

And a cross motion having been made to dismiss an appeal purportedly taken to the Appellate Division, Second Judicial Department from the same order,

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

Ordered that the motion and cross motion are dismissed, no appeal and/or cross appeal being extant in this Department.

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 November 6, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
Manuel Hernandez III, an Infant  
by His Mother and Natural Guardian,  
Reyna Valdez,  
Plaintiff-Appellant,

-against-

Ellen Landsberger, M.D., et al.,  
Defendants-Respondents.

M-4863  
Index No. 350649/08

-----X

Plaintiff-appellant having moved for an enlargement of time  
to perfect the appeal from the judgment of the Supreme Court,  
Bronx County, entered on or about January 16, 2014,

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 March 2015 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 November 6, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----x  
Sean Studer,  
Plaintiff-Appellant,

-against-

M-4155  
Index No. 350065/11

Helena Studer,  
Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of divorce of the Supreme Court, New York County, entered on or about May 3, 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 granted to the extent of enlarging the time to perfect the appeal to the April 2015 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 November 6, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
Vincent L., Jr., an Infant by His  
Mother and Natural Guardian, Chanel T.,  
et al.,

Plaintiffs-Appellants-Respondents,

**M-3766**

Index No. 8133/01

-against-

AKS 183<sup>rd</sup> St. Realty Corp.,  
Defendant-Respondent,

1211 Wheeler LLC,  
Defendant-Respondent-Appellant.

-----X

Defendant-respondent-appellant having moved for reargument of the decision and order of this Court entered on June 24, 2014 (Appeal Nos. 12844-12845),

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 November 6, 2014.

Present - Hon. John W. Sweeny, Jr.,                      Justice Presiding,  
                 Richard T. Andrias  
                 David B. Saxe  
                 Rosalyn H. Richter  
                 Paul G. Feinman,                      Justices.

-----x  
Wuilton Cardona, et al.,

Plaintiffs-Respondents,

-against-

M-4987  
Index No. 602877/07

The Maramont Corporation, etc.,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County entered on or about August 4, 2014,

And defendant-appellant having moved for a stay of execution of the order and judgment pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated September 29, 2014 is vacated, without prejudice to defendant-appellant posting an undertaking and obtaining a statutory stay pursuant to CPLR 5519(a).

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 November 6, 2014.

Present - Hon. John W. Sweeny, Jr.,                      Justice Presiding,  
                 Richard T. Andrias  
                 David B. Saxe  
                 Rosalyn H. Richter  
                 Paul G. Feinman,                      Justices.

-----x

Twin Securities, Inc., et al.,  
Plaintiffs-Respondents,

-against-

**SEALED**

M-5048

Index No. 652389/11

Advocate & Lichtenstein, LLP and  
Jason A. Advocate,  
Defendants-Appellants,

Linda Simon,  
Defendant-Appellant,

T&M Protection Resources, LLC,  
Defendant.

-----x

Appeals having been taken by defendants-appellants Advocate & Lichtenstein, LLP and Jason A. Advocate from orders of the Supreme Court, New York County, entered on or about September 17, 2013 and on or about January 10, 2014,

And appeals having been taken by defendant-appellant Linda Simon from the aforesaid orders of the Supreme Court, New York County, entered on or about September 17, 2013 and on or about January 10, 2014,

And an order of this Court having been entered on June 26, 2014 (M-2593/M-2594), inter alia, consolidating defendants-appellants' respective appeals,

And defendants-appellants having jointly moved for an enlargement of time to perfect their respective consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the March 2015 Term. The Clerk is directed to place the aforesaid respective consolidated appeals on the same day calendar for hearing together during said March 2015 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 October 21, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

In Re 381 Search Warrants M-5205  
Directed to Facebook, Inc., and Index No. 30207/13  
Dated July 23, 2013

-----X

In the Matter of the Motion to Compel  
Disclosure of the Supporting Affidavit  
To Certain Search Warrants Directed to Index No. 30178/14  
Facebook Inc., Dated July 23, 2013

-----X

An appeal having been taken by Facebook, Inc. from an order of the Supreme Court, New York County, entered on or about August 13, 2014 (Index No. 30178/14),

And a related appeal having been taken by Facebook, Inc. from an order of the Supreme Court, New York County, entered on or about September 20, 2013 (Index No. 30207/13), and said appeal having been perfected,

And Facebook, Inc. having moved to consolidate the aforesaid appeals,

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

It is ordered that motion is granted to the extent of directing the Clerk to calendar the aforesaid appeals for hearing together during the December 2014 Term, and otherwise denied. (See M-4835, entered October 24, 2014).

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 November 6, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Carlos Berrios,

Plaintiff-Appellant,

**M-3683**

Index No. 300230/10

-against-

Anthony C. Cassisi and Helen Cassisi,

Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 31, 2011,

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
In the Matter of the Application of  
Mary Armstrong-Tyson,

Petitioner-Appellant,

**M-4045**

Index No. 100129/13

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

-against-

New York City Housing Authority,

Respondent-Respondent.  
-----X

Respondent-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about August 6, 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 granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Ronald Keibel and Margaret Keibel,  
Plaintiffs-Respondents,

-against-

M-3887  
Index No. 301989/07

Louis Riina and 1047 East Gun Hill  
Realty Corp.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about August 23, 2013,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated August 18, 2014, 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 November 6, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Tower Insurance Company of New York,  
Plaintiff-Respondent,

-against-

M-3898  
Index No. 152315/12

United Founders Ltd.,  
Defendant-Appellant,

702-694 Rockaway Avenue Corp., et al.,  
Defendants.

-----X

Defendant-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 October 25, 2013,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Jonathan A. Dachs, Esq, dated August 26, 2014, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:

  
CLERK

CORRECTED ORDER — November 7, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

M-3580  
Index No. 560/12

For a Judgment Pursuant to Article 10  
of the Mental Hygiene Law,

-against-

Gen C.,  
Respondent-Appellant.

-----X  
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 24, 2014,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute the appeal as a poor person, 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 8 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.

CORRECTED ORDER - November 7, 2014

(M-3580)

-2-

November 6, 2014

The court reporter shall promptly make and file with the Supreme Court one transcript of the stenographic minutes of any proceedings in this matter, and 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, 26th 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 to perfect the appeal is enlarged to the April 2015 Term.**

ENTER:

  
CLERK

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

BEFORE: Hon. Barbara R. Kapnick  
Justice of the Appellate Division

-----X  
The People of the State of New York, M-3846  
Respondent, Ind. No. 1051/97  
  
-against- CERTIFICATE  
Dorcey Lovejoy, GRANTING LEAVE  
Defendant-Appellant.  
-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about June 11, 2014.<sup>1</sup>

Dated: October 8, 2014  
New York, New York



Hon. Barbara R. Kapnick  
Associate Justice

ENTERED

NOV 06 2014

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

<sup>1</sup> In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Darcel D. Clark  
Associate Justice of the Appellate Division

-----X  
Carol Noe

Plaintiff,

-against-

Anthony Noe

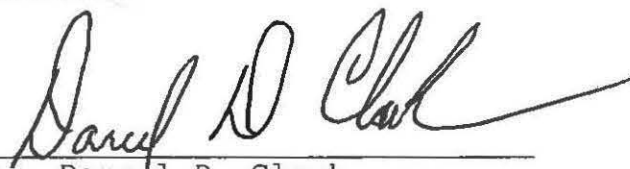
Defendant.  
-----X

M-4562  
M-4158  
Index No. 310660/12

Carol Noe, plaintiff, by separate motions having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about August 18, 2014, and for related and 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, to the extent it seeks leave to appeal the aforesaid order of the Supreme Court to this Court is denied, and otherwise denied as academic.

  
\_\_\_\_\_  
Hon. Darcel D. Clark  
Associate Justice

Dated: October 14, 2014  
New York, New York

Entered: NOV 06 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
   Peter Tom  
   Angela M. Mazzarelli  
   David Friedman  
   John W. Sweeny, Jr.,                      Justices.

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

Respondent,

-against-

M-3112A  
Ind. No. 470/06

Mesias Pina, also known as Angel Cruz,

Defendant-Appellant.  
-----x

A decision and order of this Court having been entered on February 6, 2014 (Appeal Nos. 11504-11505), inter alia, holding the appeal in this matter in abeyance,

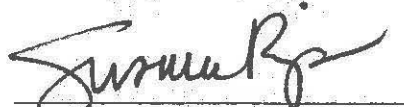
And an order of this Court having been entered on August 7, 2014 (M-3112),

And a decision and order of this Court entered being simultaneously herewith withdrawing the aforesaid appeals in accordance and the stipulation of the parties (Appeal Nos. 11504-11505),

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

It is ordered that the aforesaid order of this Court entered on August 7, 2014 (M-3112) is hereby recalled and vacated. (See Appeal Nos. 11504-11505, entered simultaneously herewith.)

ENTER:

  
CLERK



P.M ORDERS  
FOR  
NOVEMBER  
6, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2014.

Present - Hon. John W. Sweeny, Jr.,                      Justice Presiding,  
                 Richard T. Andrias  
                 David B. Saxe  
                 Rosalyn H. Richter  
                 Paul G. Feinman,                      Justices.

-----x  
Jude Bernard,

Plaintiff-Respondent,

-against-

M-5049  
Index No. 302896/07

Herbert J. DeGraffe, Jr., etc.,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 29, 2013, and said appeal having been perfected,

And plaintiff-respondent having moved for dismissal of the aforesaid appeal, 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 adjourning the perfected appeal to the February 2015 Term and otherwise denied, with leave to renew upon proof of service of the moving papers upon defendant-appellant.

ENTER:

  
CLERK