

At a 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 18, 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-4577  
Ind. No. 5584/12

Anthony Rodriguez,  
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 July 22, 2014 and from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about August 14, 2014, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the **resentence**. 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.

Seymour W. James, Jr., 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 November 18, 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-4578  
Ind. No. 3738/13

William Acosta,  
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 July 10, 2014, 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) one transcript 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, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, 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 November 18, 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-4579  
Ind. No. 5195N/12

Dominique Boyd,  
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 July 18, 2014, 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) one transcript 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, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, 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 November 18, 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-4580  
Ind. No. 660/11

Felipe Geraldo,  
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 August 5, 2014, 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) one transcript 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.

Seymour W. James, Jr., 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 November 18, 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-4581  
Ind. No. 1542/13

Edward Greenman,  
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 July 29, 2014, 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) one transcript 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 November 18, 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-4582  
Ind. No. 4608/13

Kenneth Harris,  
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 July 18, 2014, 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) one transcript 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, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, 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 November 18, 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-4583  
Ind. Nos. 5625/12  
5237/12

Johnny Jackson,  
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 August 14, 2014, 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) one transcript 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, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, 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 November 18, 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-4584  
Ind. No. 1698/12

Steven Jimenez,  
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 June 24, 2014, 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) one transcript 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.

Seymour W. James, Jr., 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 November 18, 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-4585  
Ind. No. 3849/10

Kwamie Mitchell,  
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 September 16, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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 November 18, 2014.

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

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

-against-

M-4588  
Ind. No. 2932/11

Ismael Suarez,  
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 9, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Seymour W. James, Jr., 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 November 18, 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-4589  
Ind. No. 2105N/14

Gobert Tavares,  
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 July 22, 2014, 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) one transcript 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.

Seymour W. James, Jr., 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 November 18, 2014.

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

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

-against-

M-4590  
Ind. No. 5273/12

Robert Yarbrough,  
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 August 11, 2014, 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) one transcript 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.

Seymour W. James, Jr., 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 November 18, 2014.

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

-----X

Jeffrey Johnson,  
Plaintiff-Appellant,

-against-

M-5046

Index No. 102034/12

S.W. Management, LLC, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant pro se having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about September 29, 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 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 18, 2014.

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

-----X  
In the Matter of the Application of  
Leonard Walker,  
Petitioner-Appellant,

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

-against-

M-5134  
Index No. 401806/13

New York City Housing Authority,  
St. Nicholas Houses,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute appeal as a poor person, and for a stay of eviction pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 1, 2014, and for other relief,

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

It is ordered that the motion is denied in 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 18, 2014.

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

-----X  
Denis M. Field,  
Petitioner-Appellant,

-against-

M-5133  
Index No. 600010/12

BDO USA LLP, formerly known as  
BDO Seidman LLP,  
Respondent-Respondent.

-----X

Petitioner-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 July 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 18, 2014.

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

-----X  
James Polsky and Bernadette Polsky,  
Plaintiffs-Appellants,

-against-

M-5135  
Index No. 107108/11

145 Hudson Street Associates L.P.,  
Defendants-Respondents.

-----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 December 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 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 18, 2014.

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

-----X  
In the Matter of the Application of  
A. Central Insurance Company,  
Petitioner,

-against-

Kevin Coley,  
Respondent.

M-4539  
Index No. 260505/12

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 17, 2013,

And petitioner having moved for dismissal of the notice of appeal as untimely taken,

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

It is ordered that the motion is granted.

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 18, 2014.

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

-----X

Roy Taylor,  
Plaintiff-Appellant,

-against-

M-4495  
Index No. 250628/13

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

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about November 19, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied and, sua sponte, the appeal is dismissed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2014.

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

-----X  
Jeanette Vasquez,  
Plaintiff-Appellant,

-against-

M-4243  
Index No. 22880/12

Enrique O. Guerrero, et al.,  
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 June 26, 2013, for failure to timely perfect,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
David B. Saxe  
Karla Moskowitz, Justices.

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

-against-

M-2965  
Ind. No. 10257/95

Yong Liu, also known as Liu Yong,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 21, 2003 (Appeal No. 33), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzel, Jr., J.), rendered on July 30, 1997,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Richard T. Andrias  
David B. Saxe  
Leland DeGrasse, Justices.

-----X  
Glencord Building Corp. and  
Giustizia Aggressivo, LLC as  
Tenants-in-Common,  
Petitioner-Landlord-Respondent,

-against-

M-3629  
Index No. 570466/09

Elena Strujan,  
Respondent-Tenant-Appellant.  
-----X

An order of this Court having been entered on June 10, 2014 (M-1493) denying respondent-tenant-appellant 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 August 27, 2013, and for other relief,

And respondent-tenant-appellant having moved for reargument of the aforesaid order of this Court entered on June 10, 2014 (M-1493),

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 18, 2014.

|                           |                    |
|---------------------------|--------------------|
| Present - Hon. Peter Tom, | Justice Presiding, |
| David Friedman            |                    |
| Richard T. Andrias        |                    |
| Paul G. Feinman           |                    |
| Barbara R. Kapnick,       | Justices.          |

-----x  
Don Scandiffio,

Plaintiff-Respondent,

-against-

M-4990  
Index No. 112649/10

The 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 August 16, 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 18, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Paul G. Feinman, Justices.

-----X

Caprice Caprice, formerly known as  
Norman B. Calbert,  
Plaintiff-Appellant,

-against-

M-3946

Index No. 309725/11

Morris Rubin and M. Rubin & Co. LLC.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about December 18, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the 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 serve one copy of such brief upon the attorney for the respondents and file ten copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Sua sponte, the time to perfect the appeal is enlarged 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 18, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4439  
Ind. No. 4099/99

Elbert Mitchell,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 24, 2002, and said appeal having been heard and decided by this Court, (See People v Mitchell, 10 AD3d 554[1st Dept. 2004])

And defendant-appellant, pro se, having moved for relief in the nature of leave to proceed as a poor person in connection with the aforesaid decided appeal, and for related relief,

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

It is ordered that the motion is 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 18, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----x

IN RE: New York City Asbestos Litigation M-4957

- - - - - M-4969

James Augustus Proctor, et al.,  
Plaintiffs-Respondents,

-against-

ACTION NO. 1  
Index No. 190040/13

Alcoa, Inc., et al.,  
Defendants,

Mario & DiBono Plastering Co., Inc.,  
Defendant-Appellant.

- - - - -

Michael Viggiano, et al.,  
Plaintiffs-Respondents,

-against-

ACTION NO. 2  
Index No. 190166/13

Abco Refrigeration Supply Corp., et al.,  
Defendants,

Mario & DiBono Plastering Co., Inc.,  
Defendant-Appellant.

-----x

Separate appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 4, 2014 (Action No. 1/Index No. 190040/13) and September 8, 2014 (Action No. 2/Index No. 190166/13), respectively, and the appeal in Action No. 1 having been perfected,

And defendant-appellant having moved, by separate motions, for a stay of trial in the above-referenced actions, pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motions are granted, and trials in the above-referenced actions are stayed in accordance with the parties' stipulation dated September 30, 2014 and on condition the unperfected appeal is perfected on or before January 5, 2015 for the March 2015 Term. Sua sponte, the aforesaid perfected appeal (Action No. 1) is adjourned 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 18, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X  
The Argo Corporation,  
Plaintiff-Appellant,

-against-

Admiral Indemnity Company, et al.,  
Defendants-Respondents.

M-4745  
Index No. 400166/11

-----X

Defendants-respondents having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about April 10, 2014, and for other relief,

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

It is ordered that the motion is granted to the extent of dismissing the aforesaid appeal unless perfected on or before January 5, 2015 for 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 18, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----x  
Silvia Perina,

Plaintiff-Appellant,

-against-

M-5165  
Index No. 401403/13

Animal Care and Control of New York  
City, Inc.,

Defendant-Respondent.  
-----x

Plaintiff-appellant pro se 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 October 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 18, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X  
Gloria Stern,  
Plaintiff-Appellant,

-against-

M-5319  
Index No. 101595/12

Z.L.C., Inc., etc., 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, New York County, entered on or about September 5, 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 April 2015 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----x

Deidre L. Hargrove,  
Plaintiff-Appellant,

-against-

M-5170

M-5299

Index No. 13018/05

Riverbay Corporation, etc., et al.,  
Defendants-Respondents.

-----x

Plaintiff-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 October 24, 2013 (M-5170),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal (M-5299),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2015 Term (M-5170). The cross motion to dismiss the appeal is granted unless the appeal is perfected for said March 2015 Term (M-5299).

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 18, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X

Dexia SA\NV, Dexia Holdings, Inc.,  
FSA Asset Management LLC, and Dexia  
Credit Local SA,

**M-4992**

Plaintiffs-Appellants,

Index No. 650231/12

-against-

Morgan Stanley, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the an order of the Supreme Court, New York County, entered on or about October 18, 2013, and said appeal having been perfected; and a second appeal having been taken from an order of the same Court and Justice entered on or about June 25, 2014,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect the appeal taken from the order entered on or about October 18, 2013, and for leave to enlarge the Record on 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 consolidating the aforesaid appeals and permitting plaintiffs-appellants to file a supplemental brief and to supplement the Record on Appeal to include the order entered on or about June 25, 2014, and other necessary papers within 45 days of the date hereof.

So much of the motion which seeks an enlargement of time to perfect the appeal from the order entered on October 18, 2013 is denied, as unnecessary, the appeal from the aforesaid order entered October 18, 2013 having been perfected, the parties are directed to abide by the filing dates for the May 2015 Term with respect to the filing of the supplemental record, supplemental brief, respondent's and the reply brief in accordance with the stipulation of the parties, dated October 8, 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 18, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X

Mark Robert Gordon,  
Plaintiff-Appellant,

-against-

M-3063  
Index No. 111265/05

Chubb Group of Insurance Company,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for reconsideration/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 11, 2014, and for other relief (Appeal No. 11703),

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

It is ordered that the motion is denied in 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 18, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

In the Matter of the New York  
Statewide Hispanic Coalition of  
Hispanic Chamber of Commerce,  
Petitioner-Appellant,

M-5256  
Index No. 260327/13

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

-against-

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

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 13, 2013,

And petitioner-appellant having moved for an enlargement of time to perfect 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 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 18, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----x

Jacqueline Hill-Figaro,  
Plaintiff-Respondent,

-against-

M-4442  
Index No. 3374/13

James Figaro,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 27, 2014,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order, and for related relief 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,

The motion is granted to the extent of continuing the interim relief granted by an order of a Justice of this Court dated September 5, 2014, on the same terms and conditions, and on condition the appeal is perfected on or before January 5, 2015 for 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 18, 2014.

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

-----X  
Francia Rodriguez, as Administratrix  
of the Estate of Angel Rodriguez,  
Plaintiff-Respondent,

-against-

M-4606  
Index No. 25347/97

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

Higraban of N.Y., Inc. and Statbrook  
Contracting Company, Inc.,  
Defendants-Appellants.

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

-----X  
Consolidated appeals having been taken by defendants  
Higraban of N.Y., Inc. and Statbrook Contracting Company, Inc.,  
from orders of the Supreme Court, Bronx County, entered on or  
about April 4, 2012 and October 28, 2012, respectively,

And defendants-appellants having moved for an enlargement of  
time to perfect the aforesaid 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.

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 18, 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  
John Regan,  
Petitioner-Respondent,

**M-4923**

Index No. 104117/10

-against-

New York City Department of Buildings,  
et al.,  
Respondents-Appellants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 24, 2013,

And respondents-appellants having moved to extend a stay previously granted by an order of this Court entered on September 4, 2014 (M-3393), and enlarging the time to perfect 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 to the extent of continuing the stay granted by the order of this Court entered on September 4, 2014 (M-3393), on condition the appeal is perfected on or before February 2, 2015 for the April 2015 Term, with leave to seek further enlargements if necessary.

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 18, 2014.

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

-----X  
Brian K. Williams,  
Plaintiff-Respondent,

-against-

M-5031  
Index No. 8006/07

Irina Belova,  
Defendant,

America's Wholesale Lender,  
Defendant-Appellant.  
-----X

Defendant-appellant America's Wholesale Lender having moved  
for an enlargement of time to perfect the appeal from the order  
of the Supreme Court, Bronx County, entered on or about  
December 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 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 18, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - - M-4971  
Nicole R. S., Docket No. O-32951/11  
Petitioner-Appellant,

-against-

Troy Kenneth Brian L.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, New York County, entered on or about April 16, 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 aforesaid 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 18, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----x  
In the Matter of

Davontay Peter H., also known as  
Davontay H.,

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

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

M-5144  
Docket No. B-4371/10

Makeba H.,  
Respondent-Appellant.

- - - - -  
Michael Moorman, Esq.,  
Lawyers for Children, Inc.,  
Attorney for the Child.

-----x

An appeal having been taken to this Court from orders of the Family Court, New York County, entered on or about May 28, 2013, and September 23, 2013,

And respondent-appellant having moved for an enlargement of time to perfect 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 to the extent of enlarging the time to perfect the aforesaid 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 18, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
John J. Sweeny, Jr.  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----X

Pegasus Aviation I, Inc., et al.,  
Plaintiffs-Respondents,

-against-

M-3421

Index No. 603076/08

Varig Logistics S.A.,  
Defendant,

MatlinPatterson Global  
Advisers, LLC, et al.,  
Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for reargument of, or leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 5, 2014 (Appeal No. 10460),

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, insofar as it seeks reargument, is denied.

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

"Was the order of this Court, which reversed the order of 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:

  
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 18, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----x  
Discover Bank,

Plaintiff-Respondent,

-against-

M-5195  
M-5306  
Index No. 154247/14

Neal T. Herman and Mark D. Herman,

Defendants-Appellants.  
-----x

An appeal having been taken to this Court from and interim order of the Supreme Court, New York County, entered on or about July 30, 2014,

And defendants-appellants having moved by separate motions for a stay of all proceedings including a traverse hearing pending hearing and determination of the aforesaid appeal, and for related relief (M-5195/M-5306),

Now, upon reading and filing the papers with respect to the motions, including the stipulation of the parties dated November 6, 2014, and due deliberation having been had thereon,

It is ordered that the appeal and the aforesaid motions 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 18, 2104.

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

-----X  
In the Matter of the Application of  
Betty Rasnick,  
Petitioner-Appellant,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-4195  
Index No. 400295/13

-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 December 6, 2013, 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 other relief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file ten 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. The time to perfect said proceeding is enlarged to the March 2015 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----x

In the Matter of the Application of  
Majid Zarinfar,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-4742  
Index No. 116457/10

-against-

Board of Education of the City School  
District of the City of New York,  
et al.,  
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 30, 2013, and said appeal having been perfected,

And respondents-respondents having moved for dismissal 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, without prejudice to raising the issue in the respondents' brief. Sua sponte, the appeal is adjourned to the 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 18, 2014.

|                                |                    |
|--------------------------------|--------------------|
| Present - Hon. David Friedman, | Justice Presiding, |
| Rolando T. Acosta              |                    |
| David B. Saxe                  |                    |
| Sallie Manzanet-Daniels        |                    |
| Judith J. Gische,              | Justices.          |

-----x

In the Matter of the Application of  
New York Master Cabbie Corp.,  
Petitioner-Appellant,

For Judgment pursuant to Article 78  
of the CPLR,

M-5317  
Index No. 100507/13

-against-

The New York City Taxi and Limousine  
Commission, et al.,  
Respondents-Respondents.

-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 9, 2013 (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 18, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----x  
Henry F. Owsley, III,

Plaintiff-Respondent,

-against-

M-5176  
Index No. 350238/00

Danica Cordell-Reeh,

Defendant-Appellant.  
-----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, 2012 (mot. seq. nos. 017-018), June 17, 2013 (mot. seq. nos. 019-020) and September 12, 2013 (mot. seq. no. 022), respectively,

And defendant-appellant having moved for an enlargement of time to perfect the 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 April 2015 Term, with leave to seek a further enlargement, if necessary.

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 18, 2014.

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

-----X  
John Breceovich,  
Plaintiff-Respondent,

-against-

M-5105  
Index No. 107613/08

Horizons Investors Corporation and  
Warminster Investments Corporation,  
Defendants-Appellants.  
-----X

Defendants-appellants 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 March 15, 2013 (mot. seq.  
no. 004),

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 18, 2014.

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

-----X

In the Matter of the Arbitration of  
Certain Controversies Between

Social Service Employees Union,  
Local 371 on behalf of its laid-off  
members,  
    Petitioners-Respondents,

Action No. 1  
    **M-5034**  
Index No. 652168/13

-against-

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

-----X

In the Matter of the Application of

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

Action No. 2  
Index No. 451071/13

For a Judgment and Order Pursuant to  
Article 75 of the Civil Practice Law  
and Rules,

-against-

Social Service Employees Union Local,  
371, et al.,  
    Respondents-Respondents.

-----X

Appeals having been taken from separate judgments of the Supreme Court, New York County, each entered in the above-captioned actions on or about March 14, 2014,

And respondents-appellants (Action No. 1)/petitioners-appellants (Action No. 2) having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of consolidating the aforesaid appeals and permitting the Municipal appellants to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellants' points covering the appeals. The time to perfect the consolidated appeals is enlarged to 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 18, 2014.

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

-----X

Ibrahim Donmez,  
Petitioner-Respondent,

-against-

M-3399  
Index No. 400412/14

Department of Consumer Affairs, et al.,  
Respondents-Appellants.

-----X

Petitioner-respondent, pro se, having moved for leave to respond, as a poor person, to the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 20, 2014, 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 petitioner to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon respondents-appellants and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2014.

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

-----X

Carlos Hamilton,  
Plaintiff-Respondent,

-against-

EOP Worldwide Plaza, LLC, Equity  
Office Properties, LLC. Ogilvy  
and Mather Worldwide, Inc., and  
GC Contractors, Inc.,  
Defendants-Respondents,

**M-4768**

Index No. 303153/07

Raymond Schwartzberg & Associates,  
PLLC,  
Non-Party Appellant.

-----X

Ogilvy and Mather Worldwide, Inc.,  
Third-Party Plaintiff,

-against-

Varick Drywall, Inc.,  
Third-Party Defendant-Respondent.

-----X

(And a second third-party action)

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 14, 2014,

And non-party appellant, Raymond Schwartzberg & Associates, PLLC having moved to dispense with the service of copies of the Record on Appeal and all briefs on all counsel, except for counsel for Douglas Michael Menagh, Administrator c.t.a., of the Estate of Douglas D. Menagh, successor in interest to Menagh & Associates, PLLC, attorneys for plaintiff Carlos Hamilton,

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

Ordered that the motion is granted to the extent of permitting non-party appellant Schwartzberg to serve the Record on Appeal and all briefs only upon counsel for Douglas Michael Menagh, etc. parties.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2014.

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

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

Respondent,

-against-

Darren R. Freeman,

Defendant-Appellant.

M-2802  
Ind. Nos. 3512/09  
54491C/09  
54493C/09

-----X

Defendant-appellant, pro se, having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 1, 2011, or for other relief in the nature of a writ of error coram nobis in connection with the aforesaid judgment,

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 18, 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  
Gay Wiesner,  
Petitioner-Appellant,

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

-against-

M-4038  
Index No. 100829/13

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

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about October 16, 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 18, 2014.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----x

Zurich American Insurance Company,  
Plaintiff-Respondent,

-against-

Sony Corporation of America, et al.,  
Defendants-Appellants,

M-5041

M-5194

M-5438

-and-

Index No. 651982/11

Mitsui Sumitomo Insurance Company  
of America,  
Defendant-Respondent,

-and-

Sony Online Entertainment LLC, et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 24, 2014 (mot. seq. no. 014), and said appeal having been perfected,

And defendants National Union Fire Insurance Company of Pittsburgh, PA., and St. Paul Fire and Marine Insurance Company having jointly moved for dismissal of the aforesaid appeal for failure to name said defendants as respondents on the appeal or, in the alternative, to deem defendants-appellants' failures to name and serve them as correctable omissions, and for other relief (M-5041),

And defendants-appellants having moved for an order compelling respondents Zurich American Insurance Company and Mitsui Sumitomo Insurance Company of America to file a respondent's brief on or before a deadline set forth in the Stipulation Regarding Briefing Schedule filed on September 4, 2014, or for alternative relief (M-5194),

And respondents Zurich American Insurance Company and Mitsui Sumitomo Insurance Company of America having cross-moved for the imposition of costs and sanctions against defendants-appellants for frivolous conduct (M-5438),

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

It is ordered that the motion (M-5041) filed by defendants National Union Fire Insurance Company of Pittsburgh, PA., and St. Paul Fire and Marine Insurance Company is granted to the extent of deeming said defendants as respondents on the appeal, and directing the Sony defendants-appellants to immediately correct the filed copies of their record and briefs to so designate the aforesaid defendants as respondents and to file an amended pre-argument statement and serve copies of the amended brief, record and pre-argument statement upon those movants, and otherwise denied. The motion (M-5194) seeking to enforce a stipulation regarding the briefing schedule, and the cross motion (M-5438) seeking costs and/or sanctions are both denied. The Clerk is directed to maintain the appeal on the calendar for the 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 18, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Grunberg 928, LLC.,  
Plaintiff-Respondent,

-against-

M-4066  
Index No. 153960/12

Robert Stecher,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about April 30, 2013 (mot. seq. no. 004), for failure to timely perfect,

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

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

ENTER:

  
CLERK

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-4699  
Ind. Nos. 5574/99

-against-

CERTIFICATE  
DENYING LEAVE

Rene Ortiz,

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, Bronx County, dated on or about June 26, 2014 (Margaret L. Clancy, J.) is hereby denied.

  
Associate Justice

Dated: October 21, 2014  
New York, New York

ENTERED: NOV 18 2014

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

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

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

M - 4331  
Ind. No. 9660/98

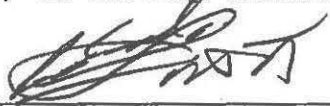
-against-

CERTIFICATE  
DENYING LEAVE

Omar Perez,

Defendant.  
-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from orders of the Supreme Court, New York County, entered on or about April 24, 2014, is hereby denied.

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: October 23, 2014  
New York, New York

ENTERED:

NOV 18 2014

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

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

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

M-4313  
Ind. No. 1691/2006

-against-

Joan Vasquez,

Defendant.  
-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, New York, entered on or about July 1, 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 granting defendant leave to file the certificate within 90 days from the date of entry hereof.

  
\_\_\_\_\_  
Justice

Dated: *October 22,* , 2014  
New York, New York

ENTERED: **NOV 18 2014**

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

BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

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

M-4365  
Ind. No. 2443/90

-against-

CERTIFICATE  
DENYING LEAVE

Felipe Concepcion,  
Defendant.

-----X

I, Judith J. Gische, 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 dated May 20, 2014, of the Supreme Court, Bronx County (Barbara F. Newman, J.), is hereby denied.

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

Dated: October 20, 2014  
New York, New York

ENTERED:

**NOV 18 2014**

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

BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

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


M-4565  
M-5059  
Ind. No. 514/08

-against-

CERTIFICATE  
DENYING LEAVE

Lawrence Parker,  
Defendant.

-----X  
I, Judith J. Gische, 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 dated June 27, 2014 of the  
Supreme Court, Bronx County (Richard Lee Price, J.), is hereby  
denied as is any other requested relief.

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

Dated: October 24, 2014  
New York, New York

ENTERED: NOV 18 2014

P.M ORDERS  
FOR  
NOVEMBER  
18, 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 18, 2014.

|          |                         |                    |
|----------|-------------------------|--------------------|
| Present: | Hon. David Friedman,    | Justice Presiding, |
|          | Rolando T. Acosta       |                    |
|          | David B. Saxe           |                    |
|          | Sallie Manzanet-Daniels |                    |
|          | Judith J. Gische,       | Justices.          |

-----X

Monika Bernardez,  
Plaintiff-Respondent,

-against-

**M-3718**

**M-5190**

Velagapudi Pediatrics, PLLC,  
Defendant-Appellant,

Index No. 18928/02

2328 University Avenue Corp., et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 25, 2012, and said appeal having been perfected,

And plaintiff-respondent having moved to strike Pages A14 through A516 and A618 through A1339 of defendant-appellant's appendix; to strike portions of defendant-appellant's brief that refer to said pages of defendant-appellant's appendix; and for an extension of time to file a plaintiff-respondent's brief (M-3718),

And defendant-appellant having cross-moved to hold in abeyance plaintiff-respondent's motion pending the entry of a final judgment by Supreme Court, Bronx County, in the underlying action (M-5190), and a forthcoming motion for consolidation of the aforesaid order of Supreme Court, Bronx County, and said judgment,

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

Ordered that plaintiff-respondent's motion is denied (M-3718). Defendant-appellant's cross motion is granted to the extent of adjourning the aforesaid perfected appeal to the May 2015 Term, without prejudice to further motions to adjourn said perfected appeal, and without prejudice to a motion to consolidate the perfected appeal taken from the order entered on January 25, 2012, with the appeal from the aforesaid forthcoming judgment subsequent to its entry (M-5190).

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 18, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

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

**M-5093**

**M-5237**

- - - - -  
Vikram J.,  
Petitioner-Respondent,

Docket No. V-41775/13

-and-

Anupama S.,  
Respondent-Appellant.

-----X  
An appeal having been taken from an order of the Family Court, New York County, entered on or about June 6, 2014, and said appeal having been perfected,

And petitioner-respondent having moved to enlarge the record on appeal to include a certain correspondence, dated September 24, 2014, (Exhibit A of the moving papers), or, in the alternative, directing this Court to take judicial notice of the aforesaid correspondence (M-5093),

And respondent-appellant having cross-moved to strike petitioner-respondent's appendix, filed October 1, 2014, and to strike those sections of petitioner-respondent's brief that refer to said appendix; and to deny petitioner's motion to enlarge the record on appeal to include said correspondence, dated September 24, 2014, and to strike portions of petitioner-respondent's brief that refer to said correspondence; and for related relief (M-5237),

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 respondent-appellant's cross motion is granted to the extent of striking petitioner-respondent's appendix and those portions of petitioner-respondent's brief that refer to petitioner-respondent's appendix and/or the aforesaid correspondence, dated September 24, 2014 (M-5237). Petitioner-respondent's motion to enlarge the record on appeal, or, in the alternative, to have this Court take judicial notice of the aforesaid correspondence, dated September 24, 2014, submitted by counsel for petitioner-respondent is denied in its entirety (M-5093).

The Clerk is directed to maintain the aforesaid appeal on this Court's calendar for the December 2014 Term.

ENTER:

  
CLERK