

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Rolando T. Acosta  
Helen E. Freedman, Justices.

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

-against-

M-2464  
Ind. No. 2792/10

Randell Timmons,  
Defendant-Appellant.

-----X

Defendant 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 August 9, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
In the Matter of the Application of  
Selma V. Dent,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-2489  
of the Civil Practice Law and Rules, Index No. 401379/11

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

An order of this Court having been entered on May 29, 2012 (M-1838) dismissing the appeal from the order and judgment of the Supreme Court, New York County, entered on or about January 27, 2012, as untimely taken,

And petitioner-appellant having moved for leave to prosecute the appeal as a poor person, 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, as academic.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
James M. Catterson  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Richard T. Fitzsimmons, et al.,  
Plaintiffs-Respondents,

M-1481  
M-1866

-against-

Index No. 651360/10

Pryor Cashman LLP, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 15, 2012 (Appeal No. 6072),

And plaintiffs-respondents having cross-moved for the imposition of costs and attorneys fees for frivolous conduct pursuant to 22 NYCRR 130-1.1 of the Rules of the Chief Administrator (M-1866),

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 (M-1481) for leave to appeal to the Court of Appeals is denied. The cross motion (M-1866) for costs and attorneys fees is denied, with leave to renew upon a certified statement of fees incurred by plaintiffs-respondents in connection with the aforesaid motion practice.

ENTER:



CLERK



extended to cover the aforesaid judgment of **resentence**, and the time to perfect the appeals is enlarged to the December 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Rolando T. Acosta  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Semra Siller,  
Plaintiff-Respondent,

-against-

M-2553  
Index No. 350085/10

Keith Siller,  
Defendant-Appellant.

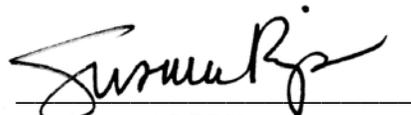
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 26, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X

In the Matter of the Application of  
Peter G. Milazzo,  
Petitioner-Respondent,

M-2744  
Index No. 603804/07

For the Judicial Dissolution of  
SMS Industries, Inc.

- - - - -  
Leslie Hamerschlag,  
Judgment Debtor-Appellant.

-----X

Petitioner-respondent having moved to dismiss the appeal taken from orders of the Supreme Court, New York County, entered on or about April 23, 2012,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before September 4, 2012 for the November 2012 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

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

-----X  
Standard Realty Associates, Inc.,  
Plaintiff-Appellant,

-against-

Chelsea Gardens Corp., et al.,  
Defendants-Respondents.

M-2484  
Index No. 105917/10

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about January 27, 2012,

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

It is ordered that the motion is granted to the extent of dismissing the appeal unless it is perfected on or before September 4, 2012 for the November 2012 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against- M-2589  
Ind. No. 4086/79

Melvin Butler,  
Defendant-Appellant.

-----X

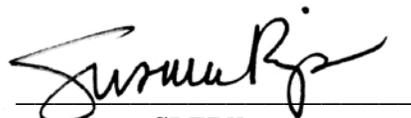
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about April 18, 2012, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2591  
Ind. No. 2747/00

Juan Cardena,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 4, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of **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.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2730  
Ind. No. 4243/10

Jeffrey Figueroa,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 31, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2863  
Ind. No. 1058/11

Macquon Fashaw,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 15, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2616  
Ind. No. 3209/11

Elsie Detres-Perez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 3, 2012, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for 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 deeming the notice of appeal as timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2831  
Ind. No. 2310/11

David I. Felder,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 27, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2376  
Ind. Nos. 3279/07  
48019C/07

Anthony J. Rivera,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 12, 2011, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for 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 deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2708  
Ind. No. 5404/10

Keekee Spruill, also known as Kee-Kee  
Spruill,  
Defendant-Appellant.

-----X

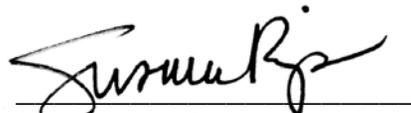
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 7, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant-appellant's submission of a notarized affidavit, in compliance with CPLR 1101(a), including statement of facts to show merit of contentions, as well as a statement detailing the amount and sources of his income and listing his property with its value.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
In the Matter of the Application of  
Miguel Rodriguez,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-2736  
Index No. 402217/11

-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 January 18, 2012, 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,

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 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 July 31, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
The People of the State of New York  
ex rel. Carl Fraser,  
Petitioner-Appellant,

-against- M-2617  
Index No. 400537/12

Warden, G.M.D.C., N.Y.C. Dept. of  
Corrections,  
Respondent-Respondent.  
-----X

Petitioner having moved for leave to prosecute, as a poor person, the appeal from an judgment of the Supreme Court, New York County, entered on or about April 5, 2012, which denied and dismissed his petition for a writ of habeas corpus, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2590  
Ind. No. 4268/02

Samuel Perez,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of **resentence** of the Supreme Court, Bronx County, entered on or about April 25, 2012, and for 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 (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

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

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

-against-

M-2496  
Ind. No. 4542/08

Daishaile Galarza,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 23, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel David Segal, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2602

Ind. No. 3810/09

Andy Mercado,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 18, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsels, Calvin Garber and Paul Brennan, Esq., the amount and sources of funds for trial counsels' fees and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
In the Matter of the Application of  
Jefferson Rodriguez,  
Petitioner-Appellant,

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

-against-

M-2767  
Index No. 109088/10

Raymond W. Kelly, et al.,  
Respondents-Respondents.

-----X  
An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 9, 2011,

And petitioner having moved for an enlargement of time to perfect the proceeding,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the proceeding to on or before September 4, 2012 for the November 2012 Term.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Yitzchak M. Hirsch, also known as  
Justin Hirsch, by Devorah Hirsch,  
Mother and Guardian ad Litem of  
Yitzchak M. Hirsch, also known as  
Justin Hirsch and Devorah Hirsch,  
Plaintiffs-Appellants,

-against-

M-2609  
Index No. 103504/10

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

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 15, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before September 4, 2011 for the November 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Martin Evans, as Guardian of the  
Property of Shari Perl, etc., et al.,  
Plaintiffs-Appellants,

-and-

Perl Properties, Inc., et al.,  
Plaintiffs,

-against-

Stephen H. Rosen, et al.,  
Defendants-Respondents,

Rebecca Perl, etc., et al.,  
Nominal Defendants.

M-2482  
Index No. 602898/05

-----X  
Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 11, 2011 (mot. seq. nos. 066, 067),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 2012 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 July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Harold Culler, an Infant Over the  
Age of 14 years, by his Mother and  
Natural Guardian, Mattie Dubose and  
Mattie Dubose, Individually,  
Plaintiffs-Appellants,

-against-

M-2447  
Index No. 101514/09

The City of New York,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 21, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----x  
In the Matter of the Application of  
Ronald J. Ranftle,  
Petitioner-Appellant,

A Person Interested in the Estate of SURROGATE'S COURT  
M-2639  
H. Kenneth Ranftle, also known as File No. 2008-4585  
Howard Kenneth Ranftle, Jr., also  
known as Kenneth Ranftle,  
Deceased.

- - - - -  
J. Craig Leiby,  
Respondent-Respondent.

-----x  
Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about September 14, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Robert M. Tamburino, et al.,  
Plaintiffs-Respondents,

-against-

M-2729  
Index No. 111432/10

Madison Square Garden, L.P.,  
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 23, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
In the Matter of 703 Lenox LLC,  
Petitioner-Appellant,

-against-

M-2820  
Index No. 258668/09

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

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about August 12, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Noel Abraham Rose, as Executor of  
the Estate of Hermaine Browne,  
Plaintiff-Appellant,

-against-

M-2889  
Index No. 27430/02

Dr. Salvatore Conte, 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 August 26, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

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

-----X  
In the Matter of the Application of  
Cosmo Camilliti,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR, etc.,

-against-

M-2575  
Index No. 114923/10

Raymond Kelly, etc., et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about August 2, 2011,

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

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

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Chong Min Mun, et al.,  
Plaintiffs-Respondents,

-against-

M-2646  
Index No. 604158/05

Soung Eun Hong,  
Defendant-Appellant.

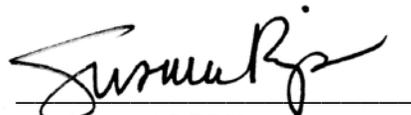
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 17, 2010 (mot. seq. no. 007),

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----x  
Sharon Bailey,

Plaintiff-Appellant-Respondent,

-against-

The City of New York,  
Defendant,

M-2989  
Index No. 302894/09

-and-

Wallace C. Steidle,  
Defendant-Respondent-Appellant.

-----x

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about July 26, 2011,

And defendant-respondent-appellant having moved for an enlargement of time to perfect the cross appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to on or before September 4, 2012 for the November 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

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

-----X  
Alexandre Van Damme,  
Plaintiff-Respondent,

-against-

M-2311  
Index No. 601995/07

Nahum Gelber,  
Defendant-Appellant,

Arij Gasiunasen Fine Art of Palm Beach,  
Inc., doing business as Gasiunasen  
Gallery,  
Defendant-Respondent.

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

Appeals having been taken from the judgment of the Supreme Court, New York County, entered on or about December 28, 2011, and from the orders of said Court entered on or about March 22, 2012 and March 23, 2012, respectively,

And plaintiff-respondent having moved for an order directing the defendant to perfect the three appeals for the September 2012 Term,

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 sua sponte, consolidating the appeals and permitting appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals. Appellant is directed perfect the consolidated appeals on or before September 4, 2012 for the November 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----x  
Crystal Biton,

Plaintiff-Appellant,

-against-

Joe Turco, et al.,

Defendants-Respondents.  
-----x

M-2563  
Index No. 115485/06

An order of this Court having been entered on January 31, 2012 (M-5400), denying plaintiff-appellant's motion for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 13, 2011 (Appeal No. 5721, 5721A, 5721B, 5721C & M-3815/M-3976),

And plaintiff-appellant having moved for reargument of the aforesaid order (M-5400),

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X

Crystal Biton,  
Plaintiff-Appellant,

-against-

M-2374  
Index No. 103927/98

Baxter Healthcare Corporation and  
Baxter International, Inc.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 25, 2011 (mot. seq. no. 002), and said appeal having been perfected,

And plaintiff-appellant having moved for a change of venue of the aforesaid appeal from this Court to the United States District Court for the Southern District of New York,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X

In the Matter of a Custody and/or  
Visitation Proceeding Under Article 6  
of the Family Court Act.

**M-2781**

Docket Nos. V7629-12/12A

V7630-12/12A

V1448-12/12A

V1449-12/12A

John L. McW., III,  
Petitioner,

-against-

Deborah McW.,  
Respondent.

-----X

Respondent mother having moved for leave to appeal to this Court from a temporary order of custody of the Family Court, New York County, entered on or about June 12, 2012, for preference in the hearing of the appeal, 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 all respects.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In re Commissioner of Social Services,  
on behalf of Elizabeth S.,  
Petitioner-Respondent,

-against-

M-2452  
Docket No. P-20507/10

Julio J.,  
Respondent-Appellant,

Lawyers for Children,  
Brenda Soloff, Esq.,  
Attorney for the Child.

-----X

Petitioner-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 24, 2012 (Appeal No. 5747), for a stay of proceedings pending hearing and determination of said 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 so much of the motion seeking reargument is denied. It is further ordered that so much of the motion seeking leave to appeal to the Court of Appeals and a stay of proceedings pending hearing and determination of that appeal 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 the Family Court, properly made?"

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

The motion is otherwise 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 July 31, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Willie Collins and Susan Collins,  
Plaintiffs-Respondents,

-against-

HMU Lunney Restaurant Corp.,  
Defendant-Appellant,

M-2803  
Index No. 106219/07

GSE & E of Long Island and GSE & E  
Garden State Engine & Equipment Co.,  
Inc.,  
Defendants-Appellants,

Let There Be Neon, Inc.,  
Defendant-Appellant.

-----X  
GSE & E of Long Island and GSE & E  
Garden State Engine & Equipment Co.,  
Inc.,  
Third-Party Plaintiffs-Respondents-  
Appellants,

Third-Party  
Index No. 590057/08

-against-

Interboro Signs and Maintenance,  
Third-Party Defendant-Appellant-  
Respondent.

-----X  
Interboro Signs and Maintenance,  
Second Third-Party Plaintiff-  
Appellant,

Second  
Third-Party  
Index No. 590619/08

-against-

Rosol Agency, Inc.,  
Second Third-Party Defendant.

-----X

An appeal having been taken by HMU Lunney Restaurant Corp. from the order of the Supreme Court, New York County, entered on or about August 3, 2011 (mot. seq. no. 010), and said appeal having been perfected,

And an appeal and cross appeal having been taken by Interboro Signs and Maintenance, and GSE & E of Long Island and GSE & E Garden State Engine & Equipment Co., Inc. (GSE parties) from the order of the same court entered on or about August 3, 2011 (mot. seq. nos. 008 and 009),

And an appeal having been taken by Let There Be Neon, Inc. from the order of the same court and justice entered on or about September 19, 2011,

And an order of this Court having been entered on March 20, 2012 (M-440/M-802), inter alia, enlarging the time of the GSE parties and Let There Be Neon, Inc. to perfect their appeals and cross appeals upon a joint supplemental record to the October 2012 Term and adjourning the perfected HMU Lunney Restaurant appeal to said October 2012 Term, and directing the Clerk to calendar the respective appeals and cross appeals for hearing together in said October 2012 Term,

And an order of this Court having been entered on April 17, 2012 (M-1205), inter alia, granting an enlargement of time in which Interboro Signs and Maintenance to perfect their appeal for the October 2012 Term, upon the same terms and conditions provided in the order of this Court entered March 20, 2012 (M-440/M-802), and directing the Clerk to calendar the appeals and cross appeals for hearing together on the same day of said Term,

And defendants/third-party plaintiffs-respondents-appellants GSE & E of Long Island, et al. having moved for dismissal of all the appeals and cross appeals from the orders entered on or about August 3, 2011 and September 19, 2011, respectively, and for leave to strike the record on appeal and brief in the appeal perfected by HMU Lunney Restaurant Corp.,

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 all the appeals and cross appeals from the orders entered on or about August 3, 2011 and September 19, 2011, respectively, without prejudice to arguments on appeals taken from subsequent orders, and otherwise denied, as unnecessary.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3028  
Ind. No. 524/93

Ivan Calaff,

Defendant-Appellant.  
-----x

Respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 24, 1993,

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 argument in respondent's brief. Sua sponte, the appeal is adjourned to the October 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Mark Salamon, et al.,  
Plaintiffs-Appellants,

-against-

M-2825  
Index No. 309930/08

Fred Dannel, et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 24, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application of  
Dan Calica, Individually and as  
Representative for 60 West 76<sup>th</sup> Street  
Tenants Association,  
Petitioner-Respondent,

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

**M-3101**  
Index No. 107085/11

-against-

New York Division of Housing and  
Community Renewal,  
Respondent,

-and-

60 West 76<sup>th</sup> LLC,  
Respondent-Appellant.

-----X

An order of this Court having been entered on March 8, 2012 (M-211), granted respondent leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 21, 2011; and a further order of this Court having been entered on said date (M-211A), granting a stay of the order pending hearing and determination of the appeal on condition the appeal be perfected for the September 2012 Term,

And respondent-appellant having moved for an enlargement of time to perfect the appeal, and for a continuation of a stay of enforcement of the order previously granted,

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 time to perfect the appeal is enlarged to the November 2012 Term. The stay previously granted by the order of this Court entered on March 8, 2012 (M-211A) is continued on condition the appeal is so perfected.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

Erica Francine Gottlieb,  
Plaintiff-Respondent,

-against-

M-3035  
M-3114  
Index No. 312670/11

Ian Samuel Gottlieb,  
Defendant-Appellant.

- - - - -

Jo Ann Douglas, Esq.,  
Attorney for the Child/  
Non-Party Movant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about December 14, 2011 and on or about January 11, 2012, respectively,

And an order of this Court having been entered on April 3, 2012 (M-861), inter alia, granting a stay of enforcement of the aforesaid orders on condition the appeals are perfected for the September 2012 Term,

And defendant-appellant having moved [M-3035] for leave to prosecute the appeals as a poor person, for the assignment of counsel, for an enlargement of time to perfect the appeal, and for a continuation of the stay granted by the order of this Court entered on April 3, 2012 (M-861),

And Jo Ann Douglas Esq., attorney for the subject child, having cross-moved (M-3114] for vacatur of the stay granted by the order of this Court entered on April 3, 2012 (M-861), for expedited hearing of the appeal, or for alternative relief,

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 [M-3035] is granted to the extent of enlarging the time to perfect the appeals to the December 2012 Term, and continuing the stay previously granted by the order of this Court entered on April 3, 2012 (M-861) on condition the appeals are so perfected. The motion, to the extent it seeks poor person relief, is denied, with leave to renew, within 15 days of the date hereof, upon submission of a detailed notarized affidavit setting forth defendant's current financial circumstances in compliance with CPLR 1101. The cross motion [M-3114] is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x

Richard Djeddah,  
Plaintiff-Respondent,

-against-

M-3000  
Index No. 350094/00

Rachel Djeddah,  
Defendant-Appellant.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about October 8, 2010 (mot. seq. no. 015), June 1, 2012 and June 12, 2012, respectively,

And defendant-appellant having moved for a stay of all proceedings pending hearing and determination of 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 the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

James Brown,  
Defendant-Appellant.

**M-2956**  
Ind. Nos. 6292/06  
1957/07

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 12, 2008, and said appeal having been perfected,

And defendant-appellant having moved for leave to have a supplemental brief filed on his behalf by retained counsel, Robert DiDio, Esq., for an adjournment of the perfected appeal, and for other relief,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

Doris Beverly Burton,

Plaintiff-Appellant,

-against-

M-2897

Index No. 303349/09

Dr. Elena Vezza Physician P.C., et al.,

Defendants-Respondents.

-----X

Appeals having been taken to this Court from the orders of the Supreme Court, Bronx County, entered on or about December 14, 2011 and March 12, 2012, and from the judgment of same Court entered on or about December 30, 2011,

And defendants-respondents having moved for leave to strike the record on appeal and supplemental record, and for other relief,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Sjuqwan Anthony Zion Perry M.,  
also known as Sjuqwan M.,

**M-2967**  
Docket No. B3212/07

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

- - - - -  
Lutheran Social Services for  
Metropolitan New York,  
Petitioner-Respondent,

Charnise Antonia M.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq.,  
Attorney for the Child.

-----X  
An appeal having been taken from an order of the Family Court, New York County, entered on or about March 28, 2011,

And respondent-appellant mother having moved for a reconstruction hearing of certain proceedings held in Family Court, New York County, on December 9, 2009, and for an enlargement of time in which to perfect the appeal,

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

Ordered that the motion is granted and the matter is remanded to Family Court, New York County, for a reconstruction hearing with respect to the December 9, 2009 Fact Finding Hearing. The time to perfect the appeal is enlarged to the December 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
COR-IBS, Inc.,

Plaintiff-Respondent,

-against-

M-3193  
Index No. 114362/10

Portfolio Analysis Systems, Inc.,

Defendant-Appellant.  
-----x

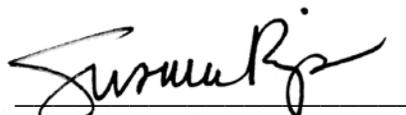
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 25, 2012, and from the order of said Court entered on or about January 9, 2012, respectively,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order and judgment entered on or about June 25, 2012, 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

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

-----X  
Solco Plumbing Supply, Inc.,  
Plaintiff-Respondent,

-against-

Scott Yaffe, Esq., as escrow  
agent, Highlands Insurance Co.,  
Defendants-Appellants,

M-1862  
Index No. 106217/07

John Rusin, et al.,  
Defendants-Respondents,

G&G Duct Cleaning, Inc., et al,  
Defendants,

Leila Rusin, et al.,  
Cross-Claim Defendants-Respondents.

-----X

Defendants-appellants, having moved for leave to appeal  
to this Court from the orders of the Supreme Court, New York  
County, entered on or about March 22, 2012,

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

It is ordered that the motion is denied. (See M-1862A,  
decided simultaneously herewith.)

Dated: July 25, 2012

New York, New York

  
Hon. Sheila Abdus-Salaam  
Associate Justice

Entered:

**JUL 31 2012**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

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

-----X  
Solco Plumbing Supply, Inc.,  
Plaintiff-Respondent,

-against-

Scott Yaffe, Esq., as escrow  
agent, Highlands Insurance Co.,  
Defendants-Appellants,

M-1862A  
Index No. 106217/07

John Rusin, et al.,  
Defendants-Respondents,

G&G Duct Cleaning, Inc., et al,  
Defendants,

Leila Rusin, et al.,  
Cross-Claim Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 22, 2011, and from an order of the same Court and Justice entered on or about April 9, 2012, respectively,

And defendants-appellants having moved to stay enforcement of the aforesaid orders being appealed, including a transfer of funds by the Housing Authority in connection with a certain construction and renovation contract, for consolidation of all pending appeals, and for related relief,

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

It is ordered that the motion is denied (See M-1862, decided simultaneously herewith).

ENTER:

  
CLERK

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

-----X  
Solco Plumbing Supply, Inc.,  
Plaintiff-Respondent,

-against-

Scott Yaffee, Esq., as escrow  
agent, Highlands Insurance Co.,  
Defendants-Appellants,

M-1862  
Index No. 106217/07

John Rusin, et al.,  
Defendants-Respondents,

G&G Duct Cleaning, Inc., et al,  
Defendants,

Leila Rusin, et al.,  
Cross-Claim Defendants-Respondents.  
-----X

Defendants-appellants, having moved for leave to appeal to this Court from the orders of the Supreme Court, New York County, entered on or about March 22, 2012,

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

It is ordered that the motion is denied. (See M-1862A, decided simultaneously herewith.)

Dated: July 25, 2012

New York, New York

  
Hon. Sheila Abdus-Salaam  
Associate Justice

Entered: **JUL 31 2012**

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

Respondent,

-against-

David Wesley a/k/a Kevin Kimp,

Defendant.  
-----X

M-2309  
Ind. No. 6221/06

CERTIFICATE  
DENYING LEAVE

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 9, 2012 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: July 18, 2012  
New York, New York

ENTERED

JUL 31 2012

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

BEFORE: Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

M-2721  
Ind. No. 2049/02

-against-

CERTIFICATE  
DENYING LEAVE

Trevor McFarlane, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 13, 2012, is hereby denied.

Dated: New York, New York  
July 17, 2012

40

**ENTERED JUL 31 2012**

\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

BEFORE: Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

M-2866  
Ind. No. 49/07

-against-

CERTIFICATE  
DENYING LEAVE

Miguel E. Joaquin, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, 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 May 11, 2012, is hereby denied.

Dated: New York, New York  
July 16, 2012



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

**ENTERED**

**JUL 31 2012**

PM ORDERS  
ENTERED ON  
JULY 31, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

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

-----

Erika H.,  
Petitioner-Appellant,

**M-3113**

**M-3211**

Docket No. V14601/05/10B

-against-

Dwaine Philmore St. E. L.,  
Respondent-Respondent,

Anjali H.,  
Respondent-Respondent.

-----

Carol L. Kahn, Esq.,  
Attorney for the Child,  
Anjali H.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about April 30, 2012,

And petitioner-appellant mother having moved for a stay of enforcement of the aforesaid order with related relief pending hearing and determination of the aforesaid appeal (M-3113),

And respondent-respondent father having moved for disqualification of petitioner-appellant mother's appellate counsel (M-3211)

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 both denied. (See M-3149, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2012.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Erika H.,  
Petitioner-Appellant,

**M-3149**  
Docket No. V14601/05/10B

-against-

Dwaine Philmore St. E. L.,  
Respondent-Respondent,

Anjali H.,  
Respondent-Respondent.

-----  
Carol L. Kahn, Esq.,  
Attorney for the Child,  
Anjali H.

-----X  
Elisa Barnes, Esq., Family Court counsel for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 30, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, as counsel for purposes of responding to the appeal; (2) permitting

movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-3113 and M-3211, decided simultaneously herewith.)

ENTER:



CLERK