

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 September 18, 2012.

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

-----X

The People of the State of New York,
Respondent,

-against-

Shaban Hussein,
Defendant-Appellant.

M-3167
Ind. Nos. 6043/09
1400/10

-----X

Defendant-appellant having moved for leave to withdraw the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 10, 2010,

Now, upon reading and filing the correspondence from defendant-appellant, dated June 8, 2012, and the stipulation of the parties dated August 1, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Rafael Cruz Mendez,
Plaintiff-Appellant,

-against-

M-3284X
Index No. 20687/06

Mauricio M. Montes, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 21, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 12, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Michael Flomenhaft,
Plaintiff-Respondent,

-against-

M-3303X
Index No. 150293/10

Jacoby & Meyers, LLC, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 17, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 12, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Marissa Gerkey,
Plaintiff-Respondent,

-against-

M-3323X
Index No. 6120/07

Citywide Mobile Response Corp.,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 29, 2012, and said appeal having been perfected,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 16, 2012, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Nancy Silverman,
Plaintiff-Respondent,

-against-

M-3327X
Index No. 301856/09

Henry R. Silverman,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 30, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 16, 2012, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Harold E. Garber, et al.,
Plaintiffs-Respondents,

-against-

M-3341X
Index No. 601917/05

Troy D. Stevens, Jr., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 1, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 18, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Jason McCarthy and Newsha McCarthy,
Plaintiffs-Appellants,

-against-

M-3344X
Index No. 651959/11

New York Kitchen & Bathroom Corp.,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 26, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 17, 2012, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
George Sykes,
Plaintiff-Respondent,

-against-

M-3345X
Index No. 313085/10

Amanda Ann Crider Sykes,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 5, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 18, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Frener & Reifer America Inc.,
Plaintiff-Appellant,

-against-

M-3359X
Index No. 603679/09

Dormitory Authority of the State
of New York and Sure Iron Works, Inc.,
Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 10, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 17, 2012, and due deliberation having been had thereon,

It is ordered that the appeals are 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 September 18, 2012.

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

-----X
James Gamble,
Plaintiff-Respondent,

-against-

M-3371X
Index No. 305600/09

New York City Housing Authority,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 11, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 19, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-3457
Ind. No. 1295/10

Randall Rutledge,

Defendant-Appellant.

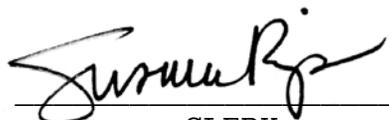
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated July 18, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
In the Matter of a Support Proceeding
Under Article 4 of the Family Court Act.

Ada L.,
Petitioner-Respondent,

Gabriel F.,
Respondent-Appellant.

CONFIDENTIAL

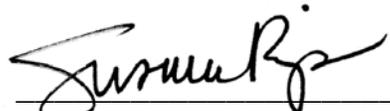
M-3322
Docket No. F5870/09

-----X
An appeal having been taken by respondent-appellant from an order of the Family Court, Bronx County, entered on or about March 10, 2009, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated July 12, 2012, and due deliberation having been had thereon, it is

Ordered that appeal is deemed withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Heather Kadish,
Plaintiff-Appellant-Respondent,

-against-

M-3286X
Index No. 303865/09

Howard Kadish,
Defendant-Respondent-Appellant.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 10, 2011 (mot. seq. no. 003 and 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 12, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are 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 September 18, 2012.

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

-----X
Inovalis, S.A.,
Plaintiff-Respondent,

-against-

CMZ Ventures, LLC, also known as
The Dynamic Group and Alatau
Hospitality Limited,
Defendants,

M-3396
Index No. 600284/09

-and-

Goldberg Weprin Finkel Goldstein LLP
(formerly known as Goldberg Weprin &
Ustin LLP),
Defendant-Appellant.

-----X

An appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about June 22, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated June 20, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----x
In the Matter of the Application of
Ajet Delaj and Lindita Delaj,
Petitioners,

For a Judgment Pursuant to Article 78
of the CPLR in the Nature of Mandamus
to Review,

M-2974

-against-

Hon. Allison Tuitt, Justice, Supreme
Court, Bronx County, Bronx Park
East Housing, Inc.,
Respondent.

-----x
Petitioners having moved for relief pursuant to Article 78
of the CPLR in the nature of a writ of mandamus against the
above-named respondent,

Now, upon reading and filing the papers with respect to
the petition, including the stipulation between the parties filed
with this Court on July 19, 2012, and due deliberation having
been had thereon,

It is ordered that the petition deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Maria Yulfo,
Plaintiff-Respondent,

-against-

M-3315
Index No. 112866/08

Bovis Lend Lease, Inc., et al.,
Defendants-Appellants,

The City of New York,
Defendants-Respondents.

-----X
Bovis Lend Lease LMB, Inc., et al.,
Third-Party Plaintiffs-Appellants,

-against-

Third Party
Index No. 591073/08

The John Galt Corp.,
Third-Party Defendant-Respondent.

-----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 July 29, 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 February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
In the Matter of

Victor R.,

A Person Alleged to Be a Juvenile
Delinquent,

M-3531
Docket No. D396/12

Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about July 12, 2012, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Kenneth Walsh, Esq., 1133 Broadway, Suite 708, New York, New York 10010, Telephone No. 212-330-7628, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned**

¹Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

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

ENTER:

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

CLERK

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 September 18, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-3618

Ind. No. 3500/09

Donald Cameron,

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 (Renee A. White, J.) entered on or about June 12, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the 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 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 September 18, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3467

Ind. No. 1113/11

Oscar L. Fuller,

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 June 22, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$100,000 bail in the Supreme Court, the disposition thereof, 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 September 18, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Wendell Hauser,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3242
Index No. 400084/12

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant 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 June 25, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

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 September 18, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Mogid Saad,
Petitioner-Appellant,

-against-

M-3712
Index No. 403001/11

New York City Housing Authority,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 24, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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.

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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Olga Kapilevich,
Plaintiff-Appellant,

-against-

M-3419
Index No. 104716/08

The City of New York, 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, New York County, entered on or about October 25, 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 on or before November 5, 2012 for the January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
432 East 11th Street Corp.,
Robert J. Guirdanella,
Plaintiffs-Appellants,

-against-

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

M-3613
Index No. 109308/05

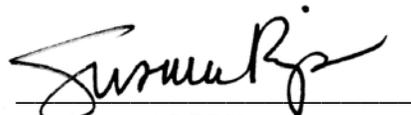
-----X

Plaintiffs-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 May 3, 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 January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Svetlana Prokhorova and Sergey
Prokhorov,
Plaintiffs-Appellants,

-against-

Angeliki Kasimis, et al.,
Defendants-Respondents.

M-3645
Index No. 307718/08

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 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 January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Excise Bond Underwriters,
Plaintiff-Appellant,

-against-

M-3583
Index No. 604433/06

Zurich American Insurance Company
also known as Zurich North American,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 1, 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 January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Catherine M. Conrad,
Plaintiff-Appellant,

-against-

M-3169
Index No. 27056/03

Stamatios Manassis, et al.,
Defendants-Respondents,
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 7, 2010,

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 February 2013 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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Sterling National Bank as Assignee
of Astro Plastics,
Plaintiff-Respondent,

-against-

M-3219
Index No. 302402/07

Polyseal Packaging Corp.,
also known as Polyseal,
Defendant-Appellant,

Pace Polyethylene Mfg. Co., Inc.,
also known as Pace Polyethylene,
Defendant.

-----X

Defendant-appellant Polyseal Packaging Corp., also known as Polyseal having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 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 to perfect the appeal to on or before November 5, 2012 for the January 2013 Term, with no further enlargements. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof. Defendants-appellant's attention is directed to 22 NYCRR §600.5, CPLR Rules 5528 and 5529.

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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3251
Ind. No. 519/09

Natasha McCullough,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about May 24, 2011, and said appeal having been perfected,

And defendant-appellant having moved to enlarge the record on appeal to include certain documents, 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 September 18, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3299
Ind. No. 668/97

Sterling Jones,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 10, 2012 (M-2337), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 26, 1998, and assigning Steven Banks, Esq., for purposes of prosecuting said appeal,

And respondent having moved for an order dismissing the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:


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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Kim Boniello,
Plaintiff-Appellant,

-against-

The City of New York,
Defendant-Respondent.

M-3408
Index No. 306590/10

-----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 September 16, 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 January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Jon C. Meadow,
Plaintiff-Appellant-Respondent,

-against-

M-3431

Index No. 400689/08

205 East 77th Street Tenants Corp.,
Defendant-Respondent-Appellant.

-----X

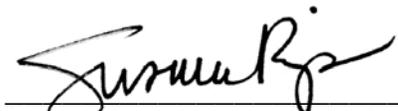
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 17, 2012 (mot. seq. no. 006),

And plaintiff-appellant-respondent having moved for leave to prosecute the direct appeal as a poor person, and for a stay of all Supreme Court and Housing Court proceedings pending hearing and determination of said appeal,

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

Ordered that the motion, to the extent it seeks a stay, is denied. So much of the motion which seeks poor person relief is denied, with leave to renew upon plaintiff's submission of a notarized affidavit, pursuant to CPLR 1101(a), explaining the source of plaintiff's funds to retain private counsel in Civil Court and why similar funds are not available for 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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Barbara Witchard,

Plaintiff-Appellant,

-against-

Montefiore Medical Center,

Defendant-Respondent.
-----X

M-3511
M-3765
Index No. 302953/09

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 4, 2011 (M-3511),

And defendant-respondent having cross-moved to dismiss the aforesaid appeal, for failure to timely perfect (M-3765),

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 January 2013 Term (M-3511). The cross motion is accordingly granted unless the appeal is perfected for said January 2013 Term (M-3765).

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 September 18, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Ian Peck, individually and as Co-Executor
of the Estate of Joan Peck,

Plaintiffs-Appellants,

-against-

M-3607

Index No. 109460/06

Granite Tops Inc. and Sordul Slawamir,

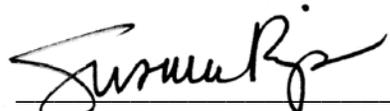
Defendants-Respondents.
-----X

Plaintiffs-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 January 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 January 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Antoinette Harrison,
Plaintiff-Respondent,

-against-

New York City Transit Authority,
Defendant-Appellant.

M-3611
Index No. 6509/06

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about October 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 to perfect the appeal to the January 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Luis Casas, by his guardian,
Betty Casas,
Plaintiffs-Respondents,

-against-

M-3669
Index No. 115106/04

Consolidated Edison Company of
New York, Inc.,
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 October 3, 2011 (mot. seq. no. 008),

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 January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3636
Ind. No. 3889/10

Samuel Blunt,

Defendant-Appellant.

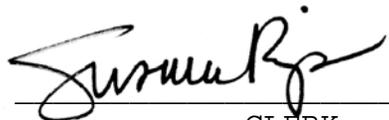
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 26, 2011, 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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Sebastiano Di Bari,
Plaintiff-Appellant,

-against-

M-3617
Index No. 109387/08

Morellato & Sector USA, Inc.,
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, New York County, entered on or about October 17, 2011,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated August 30, 2012 and due deliberation having been had thereon,

It is ordered that the motion and appeal 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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Jocelyne Wildenstein,
Plaintiff-Respondent,

-against-

M-3609
Index No. 650968/10

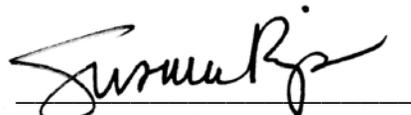
5H&Co., Inc., Alex Stojanovic,
Defendants-Appellants.
-----X

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 November 23, 2011 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants-appellants, Peckar & Abramson (David Fultz, of counsel) dated September 4, 2012, and due deliberation having been had thereon,

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

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 September 18, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Syncora Guarantee Inc.,
Plaintiff-Appellant-Respondent,

M-3719

-against-

Index No. 650042/09

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

- - - - -

MBIA Insurance Corp.,
Plaintiff-Respondent-Appellant,

-against-

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

Index No. 602825/08

-and-

Bank of American Corporation,
Defendant.

-----x

And appeal and cross appeal having been taken to this Court (Index No. 650042/09) from the order of the Supreme Court, New York County, entered on or about January 3, 2012 (mot. seq. no. 015),

And an appeal and cross appeal having been taken to this Court (Index No. 602825/08) from the order of said Court entered on or about January 3, 2012 (mot. seq. no. 037),

And an order of this Court having been entered on May 17, 2012 (M-2199), inter alia, directing the Clerk to calendar the appeal and cross appeal from the order entered January 3, 2012 (mot. seq. no. 037)[Index No. 602825/08] for hearing together on the same day as the appeal and cross appeal from the order entered January 3, 2012 (mot. seq. no. 015)[Index No. 650042/09] during the October 2012 Term, as indicated, and otherwise denying the motion,

And MBIA Insurance Corporation having moved for dismissal of the appeal taken by Countrywide Home Loans, Inc., et al. [Index No. 602825/08], or for alternative relief,

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

It is ordered the motion is granted to the extent of dismissing the aforesaid appeal taken by Countrywide Home Loans, Inc., et al. [Index No. 602825/08] unless the appeal is perfected on or before November 5, 2012 for the January 2013 Term. The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

Tonya A.,
Petitioner-Respondent,

M-3722
Docket No. F17620/04

-against-

Hal H.,
Respondent-Appellant.

-----x

Appeals having been taken from orders of the Family Court, Bronx County, entered on or about November 24, 2010 and April 4, 2011, respectively,

And an order of a Justice of this Court having been entered on July 19, 2011, which amended the order of a Justice of this Court entered on July 13, 2011, inter alia, staying respondent's incarceration for civil contempt related to non-payment of child support on condition respondent post an undertaking in Family Court in the amount of \$11,700 and pays child support bi-weekly commencing on September 15, 2011, which conditions petitioner concedes have been satisfied,

And petitioner-respondent having moved for vacatur of the aforesaid order of a Justice of this Court dated July 13, 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 denied, without prejudice to a motion by petitioner to dismiss the aforesaid appeals.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Latangya Barnes,
Plaintiff-Respondent,

-against-

New Holland Realty, LLC, et al.,
Defendants-Appellants.

M-3728
Index No. 309637/08

-----X

Defendants-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 June 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 to perfect the appeal to the January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Linda Strauss,
Plaintiff-Respondent,

-against-

M-3732
Index No. 12131/08

Babak Saadatmand,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 25, 2012, and said appeal having been perfected for the October 2012 Term of this Court,

And defendant-appellant having moved for an order maintaining the appeal on this Court's calendar for the October 2012 Term and granting an expedited decision,

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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Erica Francine Gottlieb,
Plaintiff-Respondent,

-against-

Ian Samuel Gottlieb,
Defendant-Appellant.

-----X

M-3736
M-3766
Index No. 312670/11

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 July 31, 2012 (M-3035), granting an enlargement of time to perfect the appeals to the December 2012 Term, continuing the stay granted by an order of this Court entered on April 3, 2012 (M-861), denying defendant-appellant poor person relief, with leave to renew, upon submission of a certain notarized affidavit and denying the cross motion (M-3114) for vacatur of the aforesaid stay granted by this Court,

And defendant-appellant having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about August 7, 2012 (M-3736),

And defending-appellant having moved by separately to renew his motion for poor person relief upon the submission of an affidavit (M-3766),

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

It is ordered that the motion (M-3736) seeking CPLR 5704 relief is denied. The motion (M-3766) seeking poor person relief, is denied, with leave to renew, upon submission of a detailed affidavit, accompanied by proof of defendant's current payment status with present and or former attorneys, said affidavit to include a statement detailing the amount of the fees, payments made and portion thereof remaining unpaid, the status of any monies refunded by former counsel and whether or not defendant has bank accounts or other financial or stock accounts and, if so, the amount of funds or assets therein.

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 September 18, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Mitzvah Inc., doing business as
Pisa Brothers Travel,
Plaintiff-Respondent,

-against-

M-3739
Index No. 105513/09

Pauline Power, Nancy Brookes,
and Altour International, Inc.,
Defendants-Appellants.

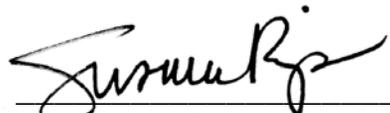
-----X

Defendants-appellants having moved for a stay of trial and a scheduled pre-trial conference in the above-entitled action pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, entered on or about November 15, 2011 and July 16, 2012 (mot. seq. no. 002), respectively,

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

It is ordered that the motion is granted on condition the appeals are perfected on or before November 5, 2012 for the January 2013 Term, and on further condition that defendants-appellants terminate any further use of the so called Pisa Brothers, Inc.'s "Client List" pending hearing and determination of the aforesaid 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 September 18, 2012.

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

-----X
Ralph Farinas, et al.,
Plaintiffs-Appellants,

-against-

M-3487X
Index No. 651914/11

Bluerock Equity, LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 17, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation (See M-5531/M-2737, 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 September 18, 2012.

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

-----X
Ralph Farinas, et al.,
Plaintiffs-Appellants,

-against-

M-5531
M-2737
Index No. 651914/11

Bluerock Equity, LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 17, 2011,

And plaintiffs-appellants having moved for a stay of any buy-out related proceedings pending hearing and determination of the appeal (M-5531),

And defendants-respondents having cross-moved to require plaintiffs to post an undertaking (M-2737),

Now, upon reading and filing the papers with respect to the motion and cross motion, including the stipulation between the parties "so ordered" July 24, 2012, and due deliberation having been had thereon, it is

Ordered that motion and cross motion are deemed withdrawn [M-5531/M-2737] the aforesaid appeal having been withdrawn (See M-3487X, 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 September 18, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Noel M. Wiederhorn, MD, etc.,
Petitioner-Respondent,

M-2626
Index No. 601265/10

-against-

J. Ezra Merkin, et al.,
Respondents-Appellants.

-----X

Respondents-appellant having moved for reargument or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 3, 2012, and for other relief (Appeal No. 6012),

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

It is ordered that the motion, to the extent it seeks reargument, is granted and upon reargument, the decision and order of this Court entered on May 3, 2012 (Appeal No. 6012) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 6012, decided simultaneously herewith.) The motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3816
Ind. No. 1106/04

Jose Mercado,
Defendant-Respondent.

- - - - -
The Immigrant Defense Project,
Amicus Curiae.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 21, 2011,

And The Immigrant Defense Project having moved for leave to file a brief amicus curiae in connection with 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 directing the movant to file forthwith 8 copies of the amicus curiae brief on behalf of defendant-respondent, and granting the People leave to reply thereto if so advised, for the January 2013 Term of this Court, to which Term the appeal is adjourned.

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 September 18, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
General Motors Acceptance Corporation,
et al.,
Plaintiffs-Respondents,

-against-

M-3943

Index No. 109668/06

New York Central Mutual Insurance
Company,
Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 14, 2011 (mot. seq. no. 002) and on or about May 17, 2012 (mot. seq. no. 003), and said appeals having been perfected,

And plaintiffs having moved for an order extending the time to file their respondents' 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 adjourning the aforesaid appeals 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 September 18, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Horizons Investors Corp.,
Plaintiff-Respondent,

-against-

M-3365
Index No. 114600/09

John Brecevich, also known as
Giovanni Brecevich, Rosemary Brecevich,
Defendants-Appellants,

Warminster Investment Corp., et al.,
Defendants-Respondents.

-----X

Defendants-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 October 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 January 2013 Term with no further enlargements to be granted.

ENTER:


CLERK

CORRECTED ORDER - September 19, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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
Support Under Article 4 of the
Family Court Act.

- - - - -
Bianca J.,
Petitioner-Respondent,

M-3045
Docket No. F4749-10/11

-against-

Dwayne C. A.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 9, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service

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

CORRECTED ORDER - September 19, 2012

(M-3045)

-2-

September 18, 2012

of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


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 September 18, 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-3240

Ind. No. 5439/10

Nolan A. Munoz,
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 30, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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 September 18, 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

Alex B.,

A Person Alleged to Be a Juvenile
Delinquent,

M-3188
Docket No. D17629/11

Respondent-Appellant.
-----X

Trial counsel having moved on respondent-appellant's behalf for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about June 12, 2012, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned**

¹Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", 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 September 18, 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-3282
Ind. No. 3477/11

Lenny Abreu,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 19, 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 moving papers as 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.

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 September 18, 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-3116
Ind. No. 5281/10

Mike Eldridge, also known as
Eldridge Mike,
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 January 26, 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 notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 September 18, 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

Patricia P.,
Petitioner-Respondent,

M-3020

Docket No. V15579/10

-against-

David J. M.,
Respondent,

Lovenia B.,
Respondent-Appellant.

-----X

Respondent-appellant paternal grandmother, Lovenia B., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 29, 2012, and for assignment of counsel, a free copy of the transcript, and 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, without prejudice to a motion for leave to appeal to 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 September 18, 2012.

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

-----X
250 West 78th LLC,
Petitioner-Landlord,

-against-

M-2892
Index No. 66826/10

Albertina Zuinga,
Respondent-Tenant-Appellant,

Myra Mora, also known as Myra Cedre,
et al.,
Respondent-Undertenant.

-----X

Appellant having moved for relief in the nature of CPLR 5704(a) with respect to certain relief denied by a Justice of the Supreme Court, New York County, on or about June 4 2012, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Phillip L. Wartell, Esq., dated June 29, 2012, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
Lower Manhattan Dialysis Center, Inc.,
et al.,
Plaintiffs,

-against-

M-2935
M-3280
Index No. 602547/07

John P. Lantz M.D. and Marie Lantz,
Defendant.

-----X
Estate of John P. Lantz M.D. and Marie
Lantz,
Counterclaim Plaintiffs-Appellants,

-against-

Lower Manhattan Dialysis Center, Inc.,
et al.,
Counterclaim Defendants-Respondents.

-----X

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

And counterclaim defendants-respondents having moved for an order dismissing the aforesaid appeal (M-2935),

And counterclaim plaintiffs-appellants having cross-moved to treat the notice of appeal as valid and to permit the appeal to continue (M-3280),

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 counterclaim defendants-respondents' motion is denied without prejudice to raising the argument in the respondent's brief (M-2935). Counterclaim plaintiffs-appellants' cross motion is granted accordingly with leave to address the issue of validity of the appeal in the appellants' brief (M-3280).

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 September 18, 2012.

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

-----X
Stacey Howard and Neil Howard,
Plaintiffs-Appellants,

-against-

M-3058
Index No. 114093/08

Baxter Street Development Company,
LLC,
Defendant-Respondent..

-----X

An appeal having been taken to this Court by plaintiffs-appellants from an order of the Supreme Court, New York County, entered on or about March 13, 2012,

And retained counsel, Boris Sorin, Esq., having moved for an order relieving him as appellant's counsel, and for an enlargement of time in which to perfect 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 relieving Boris Sorin, Esq., as counsel in connection with the aforesaid appeal. The time in which to perfect the appeal is enlarged to the February 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 September 18, 2012.

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

-----X
Bank of America, N.A., etc.,
Plaintiffs-Respondents,

-against-

M-3186
Index No. 601975/09

625 Broadway Owners, LLC,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 28, 2011,

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

It is ordered that the motion is deemed withdrawn.

ENTER:


CLERK

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

Heudy Paredes,
Defendant-Appellant.

M-3197
Ind. Nos. 4276/09
4782/09

-----X

An order of this Court having been entered on October 25, 2011 (M-4023), inter alia, granting defendant's 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 August 4, 2011, under Indictment No. 4276/09, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 4782/09,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 4276/09 and 4782/09, and extending the poor person relief previously granted to cover same.

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 September 18, 2012.

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

-----X
AMP Services Limited as Trustee
of the Walter and Anna Bronner
Trust, as assignee of the Estate
of Harry Joseph, deceased and as
assignee of Peter Bronner, Monica
Bronner Kranepool, Robert Bronner
and Karin Bronner,
Plaintiffs-Respondents,

M-3204
Index No. 106462/04

-against-

Walanpatrias Foundation, also known as
Doraw and Walanpatrias Stiftung,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect their consolidated appeals and plaintiff-respondent AMP Services Limited's cross appeal from orders of the Supreme Court, New York County, entered on or about February 15, 2011 (mot. seq. nos. 008, 011) and January 18, 2012, respectively,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated July 19, 2012, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2012.

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

-----X
N450JE 11, JGINDI N450JE LLC and
ENGINDI N450JE LLC,
Plaintiffs-Respondents-Appellants,

-against-

M-3278
Index No. 603490/08

Priority 1 Aviation, Inc. and
Insured Aircraft Title Service,
Inc.,
Defendants-Appellants/
Cross-Respondents.

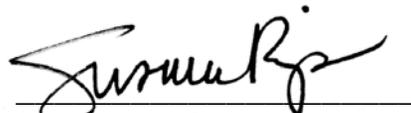
-----X

Defendant-appellant-respondent's Priority 1 Aviation, Inc. having moved for an enlargement of time to perfect its appeal from the order of the Supreme Court, New York County, entered on or about June 1, 2011 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Michael Tsang, Esq. and the stipulation between the parties dated July 23, 2012, and due deliberation having been had thereon,

It is ordered that the motion and appeal of Priority 1 Aviation, Inc. are deemed withdrawn. The appeal of Insured Aircraft Title Service, Inc. and plaintiff's corresponding cross-appeal remaining extant.

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 September 18, 2012.

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

-----X
Oliver Douce,
Petitioner,

-against-

M-3291
Index No. 250946/12

New York City Taxi and Limousine
Service,
Respondent.

-----X

Petitioner having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about June 25, 2012,

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

Ordered that the motion is denied.

ENTER:


CLERK

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 September 18, 2012.

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

-----X
Gurumurthy Kalyanaram,

Plaintiff-Appellant,

-against-

New York Institute of Technology,

Defendant-Respondent.
-----X

M-3292
Index No. 109041/10

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 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 January 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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
Tenants Committee of 36 Gramercy Park,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-3311**
of the Civil Practice Law and Rules, Index No. 116069/10

-against-

New York State Division of Housing
and Community Renewal,
Respondent-Respondent,

-and-

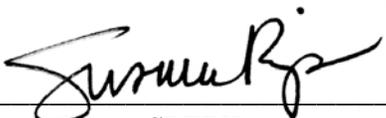
36 Gramercy Park Realty Associates,
LLC,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 3, 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 January 2013 Term.

ENTER:


CLERK

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

-against-

M-3354
Ind. No. 5228/92

Tony Vasquez,

Defendant.

-----X

Defendant having moved for leave to file a late notice of appeal on the judgment of the Supreme Court, New York County, rendered on or about August 4, 1992, or, in the alternative for an evidentiary hearing with respect to his claim of ineffective assistance by trial 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 denied without prejudice to defendant seeking relief in the nature of a Writ of Error Coram Nobis.

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 September 18, 2012.

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

-----X
Subway Real Estate Corp.,
Plaintiff-Appellant,

-against-

M-5148
Index No. 107326/11

RCPI Landmark Properties, LLC
and Dexter Bartholomew,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 7, 2011,

And plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated June 27, 2012, and due deliberation having been had thereon,

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

ENTER:



CLERK

CORRECTED ORDER DECEMBER 3, 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 September 18, 2012.

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

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

-against-

M-3290

Case No. 48180C/11

Natalio Pastor,
Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 5, 2011, pursuant to CPL 460.30,

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.

ENTER:



CLERK

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

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

-----X
In the Matter of the Application of:

TYRONE BALL, et al.,
Petitioners-Appellants,

- against-

M-2970
M-2837

THE NEW YORK CITY HOUSING AUTHORITY,
THE CITY OF NEW YORK, HARLEM CHILDREN'S
ZONE, INC., U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT, MICHAEL
BLOOMBERG, as Mayor of the City of New
York, SHAUN DONOVAN, as Secretary of
U.S. Department of Housing and Urban
Development, JOHN B. RHEA, as Chairman
of the New York City Housing Authority,
Respondents-Respondents.

Index No. 108372/11

For a Judgment Pursuant to CPLR Article
78.

-----X
Petitioners-Appellants having moved for leave to appeal to
this Court from the order of the Supreme Court, New York County,
entered on or about April 4, 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 for leave to appeal (M-2970)
is denied and the motion to dismiss (M-2837) is denied as
academic.



Hon. Leland G. DeGrasse
Associate Justice

Dated: July 24, 2012
New York, New York

Entered: **SEP 18 2012**

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-3501
Ind. No. 6320/95

-against-

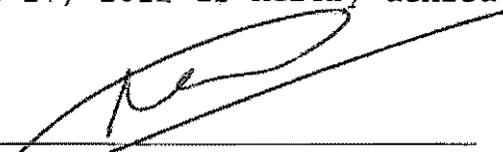
CERTIFICATE
DENYING LEAVE

Gaussou Ouedraogo,

Defendant.

-----X

I, Nelson S. Román, 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, rendered on or about June 27, 2012 is hereby denied.



Associate Justice

Dated:
New York, New York

ENTERED: **SEP 18 2012**

PM ORDERS
ENTERED ON
SEPTEMBER 11, 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 September 11, 2012.

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

-----X
In the Matter of

Destiny M.,

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

M-1988
Docket No. NN16737/09
D.C. # 84

- - - - -
Administration for Children's
Services,
Petitioner-Respondent,

Kristina M.,
Respondent-Appellant.

- - - - -
Steven M. Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
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 5, 2010,

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

Now, upon the Court's own motion,

It is ordered that the motion is deemed withdrawn.
(See M-3010A, 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 September 11, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Destiny M.,

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

M-3010A
Docket No. NN16737/09

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

Kristina M.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered on August 3, 2010 (M-3010) assigning John J. Marafino, Esq., as counsel to prosecute respondent-appellant's appeal from the order of the Family Court, New York County, entered on or about March 5, 2010,

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

Ordered that the designation of John J. Marafino, Esq., is stricken as counsel to prosecute appellant's appeal, and, pursuant to Section 722 of the County Law, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, is substituted as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later. The order of this Court entered on August 3, 2010 (M-3010) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X

Ernest Milchman, et al.,
Plaintiffs-Respondents,

-against-

M-3248

M-3446

Index No. 20431/00

Steven Lipkin,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on June 12, 2012 (Appeal No. 7932N)[M-3248],

And plaintiffs-respondents having cross-moved for the release of a certain undertaking held by U.S. Specialty Insurance Company [M-3446],

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 defendant-appellant's motion [M-3248] is denied. Plaintiffs-respondents cross motion [M-3446] is granted to the extent of directing defendant to submit the appropriate correspondence to the aforesaid U.S. Specialty Insurance Company directing the expeditious release of a \$200,000 undertaking to plaintiffs-respondents in the event correspondence has not been submitted.

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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Evan Tawil,
Plaintiff-Appellant,

-against-

Vanessa Tawil,
Defendant-Respondent.

M-3665
M-3822
Index No. 312293/10

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 6, 2011, and said appeal having been perfected,

And defendant-respondent having moved to supplement the record on appeal with the supplemental record submitted with the moving papers (M-3665),

And plaintiff-appellant having cross-moved to deny defendant's motion to supplement the record on appeal, to strike portions of defendant's brief and pre-argument statement, and for certain sanctions (M-3822),

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 to supplement the record on appeal is granted to the extent of directing the defendant to forthwith file 9 copies of said supplemental record filed with the moving papers (M-3665). The cross motion is denied, without prejudice to raising substantive arguments at oral argument, with costs to abide the event (M-3822).

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 September 11, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Sean Palomo,
Plaintiff-Respondent-Appellant,

-against-

M-3820
Index No. 305897/09

175th Street Realty Corp., Steven
Padernacht and Michael Padernacht,
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 9, 2012,

And defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal and cross appeal taken therefrom,

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

It is ordered that the motion is granted.

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 September 11, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----x
William Sanacore,
Plaintiff-Respondent,

-against-

M-3927
Index No. 101947/08

HSBC Securities (USA), Inc.,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about March 15, 2012 and April 25, 2012, respectively,

And plaintiff-respondent having moved for leave to file a sur-reply brief in connection with 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 deeming the full paragraph beginning at page 19 and ending at page 20 stricken from the defendant-appellant's reply brief, and otherwise denied.

ENTER:


CLERK

PM ORDERS

ENTERED ON

SEPTEMBER 18, 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 September 18, 2012.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Tony Diaz,
Plaintiff-Respondent,

-against-

M-3815

Index No. 305204/09

1100 Wyatt LLC,
Defendant-Appellant,

-and-

The City of New York,
Defendant.

-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 31, 2011,

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

It is ordered that the motion is granted.

ENTER:


CLERK