

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

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

-----X  
ARKO MB, LLC,  
Plaintiff-Appellant,

-against-

M-2307X  
Index No. 601022/09

Robert W. O'Neel, III, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 20, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 5, 2012.

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

-----X  
Omnium Insurance and Reinsurance  
Company, Ltd.,  
Plaintiff-Appellant,

-against-

Navigators Insurance Company, et al.,  
Defendants-Respondents.

M-2318X  
Index No. 652522/11

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 21, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 5, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X

The People of the State of New York,  
  
Respondent,

-against-

M-2002  
Ind. No. 861/11

Dwayne Buchanan,

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 October 27, 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 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. (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 June 5, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

**M-2006**

Ind. Nos. 2565/09

-against-

36186C/09

Vincent Villano,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 2, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Robert Louis Reda, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-1631  
Ind. No. 5923/11

James Bennett,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 24, 2012,

And defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the same Court rendered on February 6, 2012, for leave to prosecute the appeal(s) as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal from the judgment of **resentence** rendered on or about February 6, 2012, and permitting the appeal(s) 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeals. The time within which appellant shall perfect the appeal(s) 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 June 5, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

-against-

**M-2004**

Ind. Nos. 241/09  
74346C/08

Kwame N. Ferguson,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Patrick Watts, Esq., as well as the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

-against-

M-2067  
Ind. No. 4564N/09

Wayne Thorpe, also known as  
Cedric Thorpe, also known as Dread,  
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 25, 2011, 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 as 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, 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. (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 June 5, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

-against-

M-2078  
Ind. No. 1948/09

Ibrahima Sall,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 31, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of the Application of  
Cristi Colon,  
Petitioner-Appellant,

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

-against-

M-2150  
Index No. 403042/11

New York City Housing Authority,  
Defendant-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order (deemed a judgment) of the Supreme Court, New York County, entered on or about March 2, 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 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 June 5, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-2207**  
Ind. No. 6384/09

Jorge Jimenez,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 9, 2010, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before October 1, 2012 for the December 2012 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----x  
National Union Fire Insurance Company  
of Pittsburgh, Pa., etc.,

Petitioner-Appellant,

-against-

M-2010  
Index No. 652366/10

Source One Staffing, LLC,

Respondent-Respondent.  
-----x

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X

In the Matter of Comprehensive  
Community Development Corporation,  
doing business as Soundview Healthcare  
Network, et al.,

**M-1757**  
Index No. 260682/11

Petitioners-Appellants,

-against-

Nira R. Shah, M.D., M.P.H., etc.,  
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about March 5, 2012,

And petitioners having moved for a stay of the aforesaid judgment,

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

Ordered that the stay is granted on condition that, within 20 days of the date of this order, petitioners provide respondent Commissioner with an affidavit from the CEO or said CEO's operational equivalent of the institutional petitioner stating that no members of the Espada family remain employed by or associated with the institutional petitioner or its affiliates; and on further condition petitioners perfect the appeal on or before July 9, 2012 for the September 2012 Term; should petitioners fail to fulfill either condition, respondent is granted leave to move ex parte to vacate the stay, provided respondent serves a copy of this order upon appellant(s) within 10 days after the date of entry hereof.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

Patrice Miki,  
Plaintiff-Appellant,

-against-

M-1622  
Index No. 101629/09

335 Madison Avenue, LLC, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 1, 2012 (Appeal No. 6971),

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 June 5, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Karla Moskowitz  
Nelson S. Román, Justices.

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

-against-

M-1781  
Ind. No. 5478/09

Melvin J. DeJesus,  
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 November 10, 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 granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

M-1858  
Ind. No. 2677/10

Ismeal Roldan, also known as  
Ismael Roldan,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 8, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers 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.



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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X

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

**M-390**

**M-376**

Alex R.,  
Petitioner,

Docket Nos. V1768-06/11C  
V1768-06/11D  
V1768-06/11E

-against-

Subriyah McK.,  
Respondent.

William F. O'Hearn, Esq.,  
Attorney for the Child.

-----X

A purported appeal having been taken from the order of the Family Court, New York County, entered on or about November 21, 2011,

And an order of this Court having been entered on March 1, 2012 (M-5675), inter alia, denying respondent's motion for a stay and related relief with respect to the aforesaid purported appeal from a Temporary Modified Order of Custody and Visitation of the Family Court, New York County, entered on or about November 21, 2011,

And petitioner having moved for leave to respond, as a poor person, to the aforesaid purported appeal, for assignment of counsel, a free copy of the transcript, and for related relief (M-390),

And William F. O'Hearn, Esq., Family Court attorney for subject child, Indiyah Sky R., having moved on said child's behalf for the same relief (M-376),

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

Ordered that the motions are both denied as academic, the aforesaid Temporary Modified Order of Custody not being appealable as of right and leave to appeal not having been sought (FCA § 1112).

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta, Justices.

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

-against-

M-2052  
Index No. 309637/08

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

-----X

Defendants-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 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 in which to perfect the appeal to the November 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Maria Rozsa Gati,

Plaintiff-Respondent,

-against-

**M-2047**

Index No. 117667/09

Sol S. Stolzenberg, D.M.D., P.C.,  
doing business as Toothsavers,  
etc.,

Defendant-Appellant,

Jerry Lynn, P.C., et al.,

Defendants.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 20, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Karla Moskowitz  
Nelson S. Román, Justices.

-----X

Jeffrey Brewer, et al.,  
Plaintiffs-Respondents,

-against-

Stonehill & Taylor Architects,  
Defendant-Respondent-Appellant,

R.P. Brennan,  
Defendant-Appellant-Respondent.

-----X

M-1403  
Index No. 107477/08

Plaintiffs-respondents having moved for reargument of the decision and order of this Court entered on March 8, 2012 (Appeal No. 7039),

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 June 5, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

Richard Bahamonte,  
Defendant-Appellant.

M-2121  
Ind. Nos. 1355N/06  
3564/08

-----X

An order of this Court having been entered on January 18, 2011, granting defendant-appellant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 2, 2010, leave to have the appeal heard upon the original record and a reproduced appellant's brief, and assignment of counsel (M-4941A),

And assigned counsel The Legal Aid Society, by Cynthia Wolpert, Esq., having moved to vacate the aforesaid order of this Court (M-4941A) entered January 18, 2011,

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

It is ordered that the motion is granted and the order of this Court entered on January 18, 2011 (M-4941A) 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 June 5, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X

In re Clifford Aymes,  
Petitioner-Appellant,

-against-

M-2169  
Index No. 200026/10

The Tax Commission of the City  
of New York, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved to reschedule oral argument in connection with the above-captioned matter, and for related relief,

And a decision and order of this Court deciding the appeal having been entered on May 10, 2012 (Appeal No. 7601),

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 June 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-1773**

Ind. No. 616/10

Benjamin Roman,  
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 (Wittner, J.) entered on or about March 23, 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 Wittner as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 June 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1883  
Ind. No. 204/09

Marino Molina,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 4, 2012, 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 the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serve 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.

Defendant-appellant's time in which to perfect the appeal is 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 June 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
James Cannings,  
Plaintiff-Appellant,

-against-

M-2127  
Index No. 401071/10

East Midtown Plaza Housing Company,  
Inc., et al.,  
Defendants-Respondents.

-----X

Plaintiff-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 October 25, 2011 (mot. seq. no. 002), and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief,

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 serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Lazaro G. and Alexis G.,

**M-2279**

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

Docket Nos. NA-04719/10  
NA-04720/10

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

Vladimir G.,  
Respondent-Appellant.

- - - - -  
Lewis S. Calderon, Esq.,  
Attorney for the Children  
Lazaro G. and Alexis G.

-----X  
  
Carol Levy, Esq., Family Court attorney for the subject children Lazaro G. and Alexis G., having moved on said children's behalf for leave to respond, as poor persons, to the appeal from orders of the Family Court, Bronx County, entered on or about July 25, 2011 and July 28, 2011, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. (718) 883-1560, as counsel only as to Lazaro G. and Alexis G. for

purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----x

In the Matter of

Michael M.,

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

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

M-4160A  
Docket No. B32219/09

Michael M., Sr.,  
Respondent-Appellant.

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

-----x

An order of this Court having been entered on December 13, 2011 (M-4160), granting respondent-appellant leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 28, 2011, and assigning Howard M. Simms, Esq., as counsel for purposes of the appeal,

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

Ordered that the designation of Howard M. Simms, Esq., as counsel on the appeal is vacated and, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY, 10601, Telephone No. 914-949-8214, is substituted as counsel for purposes of prosecuting the appeal. The poor person relief previously granted is continued, and assigned counsel is directed to perfect the appeals within 120 days from the date of this

order or the date of the filing of the record, whichever is later. The order of this Court entered on December 13, 2011 (M-4160) 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 June 5, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----x  
In the Matter of

Dayanara V., Stephanie V., Crystal V.,  
Angelina V., Alexa V., Ka-el V., and  
Christopher V.,

M-4846A  
Docket Nos. NA31684/09  
NA31685/09  
NA31686/09  
NA31687/09  
NA31688/09  
NA31689/09  
NA31690/09

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

-----  
Administration for Children's  
Services, et al.,  
Petitioners-Respondents,

Carlos V.,  
Respondent-Appellant.

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

-----x  
An order of this Court having been entered on November 22, 2011 (M-4846), granting respondent-appellant leave to prosecute, as a poor person, the appeal from an order of fact-finding of the Family Court, Bronx County, entered on or about June 13, 2011, and from the order of disposition of same Court entered on or about October 5, 2011, and assigning Howard M. Simms, Esq., as counsel for purposes of the appeal,

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

Ordered that the designation of Howard M. Simms, Esq., as counsel on the appeal is vacated and, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY, 10601, Telephone No. 914-949-8214, is substituted as counsel



for purposes of prosecuting the appeal. The poor person relief previously granted is continued, and assigned counsel is directed to perfect the appeals within 120 days from the date of this order or the date of the filing of the record, whichever is later. The order of this Court entered on November 22, 2011 (M-4846) 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 June 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-1851  
Ind. No. 1708/09

Kenneth R. Bazemore,  
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 February 7, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies utilized to post the \$30,000 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 June 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

-against-

Amaury Polanco,

Defendant.

M-1710  
Ind. Nos. 4276/09  
4782/09

-----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 October 7, 2010, and for other relief,

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

It is ordered that the motion is denied (CPL 460.30).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

David Johnson,  
Defendant-Appellant.

M-1850  
Ind. Nos. 7874/98  
7877/98

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the order of **resentence** of the Supreme Court, New York County, rendered on or about May 19, 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 only to the extent of deeming the moving papers a timely filed notice of 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 June 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Doris Aspiazu,  
Petitioner-Appellant,

-against-

M-1499  
Index No. 108726/10

New York City Department of Education,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 23, 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 denied and, sua sponte, the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

In re Jack J. Grynberg, et al.,  
Petitioners-Appellants-Respondents,

-against-

M-1385  
Index No. 116840/04

BP Exploration Operating Company  
Limited, et al.,  
Respondents-Respondents-Appellants.

-----X

Petitioners-appellants-respondents having moved for reargument and/or resettlement of the decision and order of this Court entered on February 21, 2012 (Appeal No. 6237-6238),

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 June 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Narcita G. Marte,  
Plaintiff-Appellant,

-against-

The City of New York,  
Defendant,

New York City Transit Authority, et al.,  
Defendants-Respondents.

-----X

M-1621  
Index No. 101769/09

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 28, 2012 (Appeal No. 6933),

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 June 5, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

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

-against- M-2119  
Ind. No. 4702/00

Francisco Monsanto,  
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, rendered on or about October 18, 2011, **denying resentence**, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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 June 5, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1772  
Case No. 2015C/05

Jose Carrasco,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 7, 2009 (M-2525), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 19, 2008, and assigning Robert S. Dean, Esq., for purposes of prosecuting said appeal,

And an order of this Court having been entered on August 24, 2010 (M-2288), inter alia, striking the designation of assigned counsel, continuing the poor person relief granted by the order of this Court entered July 7, 2009 (M-2525), and denying that portion of the motion seeking to substitute as retained counsel Leonard J. Levenson, Esq., as unnecessary,

And an order of this Court having been entered on April 5, 2012 (M-442), inter alia, denying the motion of Leonard J. Levenson for assignment of counsel in connection with the aforesaid appeal, with leave to renew, as indicated,

And counsel having renewed the motion to be assigned as counsel (M-1772),

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 assigning, pursuant to 18b of the County law and Section 722 of the County Law, Leonard J. Levenson, Esq., 225 Broadway, Suite 1804, New York, NY 10007, Telephone No. 212-732-0522, as counsel on the appeal. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
Jennifer Cangro,  
Plaintiff-Appellant,

-against-

John Z. Marangos,  
Defendant-Respondent.

M-95  
Index No. 111339/09

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on December 8, 2011 (Appeal No. 6277),

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 June 5, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
In the Matter of the Application of  
Laticia Jones and Nathan Jones,  
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 M-1759  
of the Civil Practice Law and Rules, M-1839  
Index No. 401727/11

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

Petitioner-appellants 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 January 6, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief [M-1759],

And respondent-respondent having cross-moved for dismissal of the aforesaid appeal as untimely taken pursuant to CPLR 5513(a) [M-1839],

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

It is ordered that the motion is denied, the cross motion is granted and the appeal is dismissed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-1872

Ind. No. 5081/10

Hashim Kernahan, also known as  
Hasheim Kernahan,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 2, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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 June 5, 2012.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

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

-against-

Ray and Frank Liquor Store, Inc.,  
Defendant-Appellant,

Jose Luna,  
Defendant-Appellant.  
-----X

**M-2084**  
**M-2087**  
Index No. 100677/08

Separate appeals having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 15, 2010,

And defendant-appellant, Ray and Frank Liquor Store, Inc., having moved for an enlargement of time in which to perfect their appeal (M-2084),

And defendant-appellant, Jose Luna, have moved for an enlargement of time in which to perfect his appeal (M-2087),

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the respective appeals to the November 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

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

Sonia H.,  
Petitioner-Appellant,  
  
-against-

**M-2267**  
Docket No. V10877-03/09E

Jonathan F.,  
Respondent-Respondent.  
-----

Mike Moorman, Esq., Lawyers for  
Children,  
Attorney for the Child.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Family Court, New York County, entered on or about March 9, 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 on or before September 4, 2012 for the November 2012 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 June 5, 2012.

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

-----X  
Yoda, LLC, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

National Union Fire Insurance  
Company of Pittsburgh, PA,  
Defendant-Appellant-Respondent,

Han Soo Lee, et al.,  
Defendants-Respondents.

M-5187  
M-55  
Index No. 115498/06

-----X

Defendant-appellant-respondent having moved for reargument and/or renewal of the decision and order of this Court entered on October 13, 2011 (Appeal No. 4012-4012A) [M-5187],

And plaintiffs-respondents-appellants having cross-moved for reargument of the aforesaid decision and order of this Court [M-55],

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

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

-----X  
In the Matter of the Application of  
Dennis Rivera,  
Petitioner-Appellant,

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

-against-

M-2085  
Index No. 402254/11

New York City Housing Authority,  
Defendant-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 March 13, 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 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 June 5, 2012.

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

-----x  
Abacus Federal Savings Bank,  
Plaintiff-Appellant,

-against-

Carol John Mee Lim, et al.,  
Defendants-Respondents.  
-----x

M-2061  
M-2082  
Index No. 108378/03

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court New York County, entered on or about February 3, 2011 (mot. seq. no. 008) and June 16, 2011 (mot. seq. no. 009), respectively,

And an order of this Court having been entered on January 24, 2012 (M-5456), consolidating the aforesaid appeals and granting plaintiff-appellant an enlargement of time in which to perfect the consolidated appeals to the June 2012 Term,

And plaintiff-appellant having moved for a further enlargement of time in which to perfect the consolidated appeals (M-2061),

And defendants-respondents having cross-moved to dismiss the consolidated appeals for failure to comply with the aforesaid order of this Court (M-2082),

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 for an enlargement of time to perfect the consolidated appeals is denied (M-2061). The cross motion is granted and the consolidated appeals are dismissed (M-2082).

ENTER:

  
CLERK