

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

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

-----X

American Home Assurance Company,

Petitioner-Respondent,

-against-

M-910X

Index No. 652413/10

O & S Holdings, LLC, et al.,

Respondents-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 13, 2012.

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

-----X

Bronx-Lebanon Hospital Center,

Plaintiff-Respondent,

-against-

M-911X

Index No. 305022/10

Delos Insurance Company,

Defendant-Appellant,

STL Associates LLC,

Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 18, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 13, 2012.

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

-----X

Marc Kurman,

Plaintiff-Respondent-Appellant,

-against-

M-919

Index No. 602086/09

Robert Schnapp,

Defendant-Appellant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 16, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated February 27, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2012 Term, is withdrawn in accordance with the aforesaid stipulation.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 March 13, 2012.

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

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

Rita S.,
Petitioner-Respondent,

-against-

M-212
Docket No. P15696/11

Theodore E. H.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about December 19, 2011,

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

Now, upon reading and filing the stipulation of the parties hereto, dated February 9, 2012, and due deliberation having been had thereon,

It is ordered that respondent's 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 March 13, 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

338 West 46th Street Realty, LLC,
Petitioner-Appellant,

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

M-626
Index No. 106941/09

-against-

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

George Morton, et al.,
Respondents-Intervenors-Respondents.

-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 11, 2010, and said appeal having been perfected,

And respondents-intervenors-respondents having moved to enlarge the record on appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for respondents-intervenors-respondents, dated February 28, 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 March 13, 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-637
Ind. No. 5481N/10

Rod H. Brown,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 20, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

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

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 March 13, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
In the Matter of the Adoption of
a Child Whose First Name is

Yary,

M-69

Pursuant to Article 7 of the
Domestic Relations Law.

Docket No. A5622/11

- - - - -
Carol W.,
Petitioner-Respondent,

Leake & Watts Services, Inc.,
Respondent-Appellant.

- - - - -
Randall Carmel, Esq.,
Attorney for the Child-Respondent.

-----X
In the Matter of the Adoption of
a Child Whose First Name is

Yary,

Pursuant to Article 7 of the
Domestic Relations Law.

Docket No. A8882/11

- - - - -
Carmen A.,
Petitioner-Respondent,

Leake & Watts Services, Inc.,
Respondent-Appellant.

- - - - -
Randall Carmel, Esq.,
Attorney for the Child-Respondent.

-----X
Petitioner-respondent Carmen A. under Docket No. A8882/11 having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about October 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the June 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 March 13, 2012.

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

-----X

In the Matter of

Jillani Ghulam,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR

-against-

M-546
Index No. 111375/10

New York City Taxi and Limousine
Commission, and Charles R. Fraser,
etc.,
Respondents-Appellants.

-----X

Respondents-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 April 4, 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 September 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 March 13, 2012.

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

-----X
Volkan Akkurt,
Plaintiff-Appellant,

-against-

Cemusa, Inc., et al.,
Defendants-Respondents.

M-604
Index No. 102202/09

-----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 April 26, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 March 13, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Orlando Ghoshroy,
Plaintiff-Respondent,

-against-

Mamadi G. Dienga,
Defendant-Appellant.

-----X

M-419

M-573

Index No. 301151/10

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 23, 2011,

And defendant-appellant having moved for an order staying a Frye Hearing pending hearing and determination of the aforesaid appeal (M-419),

And plaintiff-respondent having cross-moved for an order dismissing defendant's motion and appeal (M-573),

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's motion for a stay of certain Frye Hearing is dismissed (M-419). The cross motion is granted accordingly and the appeal is dismissed (M-573).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----x
Lawrence Bennett and Jacqueline Bennett,

Plaintiffs-Respondents-Appellants,

-against-

M-276

Index No. 306933/09

Sydney Gordon, individually and as
Administrator of the Estate of
Darnley DeCosta, and as Administrator
in behalf of the Estate of Muriel
Gordon,

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 August 15, 2011,

And plaintiffs-respondents-appellants having moved for a stay of discovery pending hearing and determination of the appeal and cross appeal,

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

It is ordered that the motion is granted on condition plaintiffs perfect the appeal for the September 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 August 28, 2012.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----x
Lawrence Bennett and Jacqueline Bennett,
Plaintiffs-Respondents-Appellants,

-against-

M-276A
Index No. 306933/09

Sydney Gordon, individually and as
Administrator of the Estate of
Darnley DeCosta, and as Administrator
in behalf of the Estate of Muriel
Gordon,
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 August 15, 2011,

And plaintiffs-respondents-appellants having moved for a stay of discovery pending hearing and determination of the appeal and cross appeal,

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

It is ordered that the motion is granted on condition plaintiffs perfect their respective appeal as direct appellants for the December 2012 Term. The order of this Court entered on March 13, 2012 (M-276) 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 March 13, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
John L. Newman,
Petitioner-Appellant,

-against-

WJB Capital Group Inc.,
Respondent-Respondent.

M-633
Index No. 650056/12

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 2, 2012,

And petitioner having moved for relief in the nature of a preliminary injunction in aid of arbitration pursuant to CPLR 7502(c) directing respondent to segregate certain funds allegedly owed petitioner under an employment contract pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

-against-

M-135
Ind. No. 222/09

Harold Williams,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 27, 2011 (M-3999), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 18, 2011, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

R&L Realty Associates,

Petitioner-Respondent,

-against-

M-726

Index No. 104662/11

205 West 103 Owners Corp.,

Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 16, 2011, and said appeal having been perfected,

And petitioner-respondent having moved for an order adjourning 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 and the appeal is adjourned to the June 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 March 13, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of

Ernest and Patrina Quinones,
Petitioners-Appellants,

For a Judgment, etc.,

-against-

John B. Rhea, as Chairperson of
the New York City Housing Authority,
et al.,

Respondents-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 27, 2011,

And petitioners-appellants having moved for a stay of eviction pending hearing and determination of the appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected for the September 2012 Term, and upon further conditions that, within 30 days of the date of entry hereof, petitioners (1) comply with the terms of the parties' stipulation dated October 24, 2011 in the matter entitled *New York City Housing Authority (Pomonok Houses) v Ernest Quinones and Patricia Quinones*, Civil Court of the City of New York, Queens County L&T Index No. 011637/11, (2) pay all outstanding arrears in rent to become current therein, and (3) remain in compliance with the aforesaid stipulation and current in rent pending hearing and determination of the appeal. Upon failure to

so perfect, or to meet any of the aforesaid conditions, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon petitioners-appellants 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 March 13, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Marko S., also known as
Marko Alexander S., also known as
Marko A.,
Plaintiff-Respondent,

-against-

M-306
Index No. 3903/09

Heather S., also known as
Heather Kim S.,
Defendant-Appellant.
-----X

An order of this Court having been entered on November 22, 2011 (M-4425), granting defendant leave to prosecute the appeals from the orders of the Supreme Court, Bronx County, entered on or about November 18, 2010 and December 17, 2010 as a poor person, and other relief,

And defendant-appellant mother having moved for leave to have the appeals heard upon the original record(s) and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeals, 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 granted to the extent of enlarging the time in which to perfect the appeals to the September 2012 Term, with no further enlargements to be granted. The motion is otherwise denied, as unnecessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x
Dwayne Moore,

Plaintiff-Appellant,

-against-

M-625

Index No. 407020/07

Federated Department Stores & Macy's,
Defendants-Respondents.

-----x

An appeal having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about July 16, 2010 (mot. seq. nos. 003, 004, 005) and September 27, 2010 (mot. seq. nos. 006, 007), respectively,

And an order of this Court having been entered on November 15, 2011 (M-4257/M-4279), granting plaintiff-appellant an enlargement of time to perfect their appeals to the March 2012 Term, and denying their motion for leave to file a late notice of appeal from an order of the Supreme Court, New York County, entered on or about June 28, 2011,

And plaintiff-appellant having moved for renewal and/or reargument of that part of the order denying them leave to file a late notice of appeal (M-4279),

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

It is ordered that the motion is denied (see M-4257/M-4279A, 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 March 13, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x
Dwayne Moore,

Plaintiff-Appellant,

-against-

M-4257

M-4279A

Index No. 407020/07

Federated Department Stores & Macy's,
Defendants-Respondents.

-----x

An appeal having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about July 16, 2010 (mot. seq. nos. 003, 004, 005) and September 27, 2010 (mot. seq. nos. 006, 007), respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the aforesaid appeals (M-4257), and for leave to file a late notice of appeal from an order of the Supreme Court, New York County, entered on or about June 28, 2011 (M-4279),

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-4257) is granted to the extent of enlarging the time to perfect the appeals to the March 2012 Term. The motion (M-4279A) for leave to file a late notice of appeal is denied. The order of this Court entered on November 15, 2011 (M-4257/M-4279) is hereby recalled and vacated. (See M-625, 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 March 13, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Mary Craig,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-582
Index No. 402492/11

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 9, 2012,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

David C.,
Petitioner-Respondent,

-against-

Laniece J.,
Respondent-Appellant.

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

M-643
Docket Nos. V14691/10
V15049/10
V17244/10

-----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 December 2, 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, Douglas Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, Telephone No. (212) 972-5430, 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 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.** (See M-704, decided simultaneously herewith.)

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

David C.,
Petitioner-Respondent,

-against-

Laniece J.,
Respondent-Appellant.

M-704

Docket Nos. V14691/10
V15049/10
V17244/10

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

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about December 2, 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, Daniel R. Katz, Esq., 339 West 88th Street, Apt. #3, New York, NY 10024, Telephone No. (917) 886-5620, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-643, 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 March 13, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Carolyn Halls,
Plaintiff-Appellant,

-against-

M-416
Index No. 23631/06

Nejat Kiyico, M.D., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about April 5, 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 September 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 March 13, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Olga Wildfeuer,
Plaintiff-Appellant,

-against-

Lutheran Medical Center, et al.,
Defendants-Respondents.

M-147
Index No. 110361/08

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 27, 2010,

And defendants-respondents 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 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 March 13, 2012.

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

-----X

In re Gina Marie Reitano, etc.,

Jennifer Cangro, an Alleged
Incapacitated Person,
Appellant,

M-5634

M-511

Index No. 500173/02

-against-

Mary V. Rosado,
Respondent.

-----X

Appellant Jennifer Crango having moved (M-5634) pro se for reargument/modification of the decision and order of this Court entered on November 15, 2011 [Appeal No. 6024], and for related relief,

And respondent Mary V. Rosado having cross-moved (M-511) for sanctions, and for related relief,

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

It is ordered that appellant's motion is denied (M-5634). Respondent's cross motion is denied (M-511).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x

The People of the State of New York,

Respondent,

-against-

M-427

Ind. No. 701/99

Raymond Denson,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the consolidated appeals from the judgment of the Supreme Court, New York County, rendered on or about September 18, 2002, and from the order of said Court entered on or about September 9, 2008, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the September 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 March 13, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Beatrice E. Wein, et al.,
Plaintiffs-Appellants,

-against-

M-567

Index No. 117223/09

Rickie A. Robinson,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 15, 2011, and said appeal having been heard,

And plaintiffs-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

And a decision and order of this Court having been entered on February 23, 2012 (Appeal No. 6877), unanimously affirming the aforesaid order of the Supreme Court,

Now, upon reading and filing the papers with respect to the motion, and the aforesaid decision and order of this Court entered on February 23, 2012, and due deliberation having been had thereon, it is

Ordered that the motion is denied, as moot.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Nasir S., and
Jani Faith B.,

Children Under 18 Years of Age Alleged
to be Neglected Pursuant to Article 10
of the Family Court Act.

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

M-381
Docket Nos. N-20818/11
N-20819/11

Craig S.,
Respondent-Appellant.

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

Mark Legere, Esq.,
Attorney for the Child Jani Faith B.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding and Disposition of the Family Court, New York County, entered on or about December 21, 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, George E. Reed, Esq., 222 Mamaroneck Ave., White Plains, New York 10605, Telephone No. 914-946-5000, 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 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

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

-----X

Mayra Bonilla, et al.,

Plaintiffs-Respondents,

-against-

M-149

Index No. 305495/08

Mohammed Abdullah, et al.,

Defendants-Appellants.

-----X

Plaintiffs-respondents 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 December 8, 2011 (Appeal No. 6273),

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 March 13, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-155
Ind. No. 3696/07

Matthew Chacko,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on January 3, 2012 (M-5462), granting defendant leave to appeal to this Court pursuant to CPL 460.15 from the order of the Supreme Court, New York County, entered on or about November 3, 2011,

And defendant-appellant having moved for leave to prosecute the appeal as a poor person, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2012.

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

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

AIU Insurance Company,
Petitioner-Respondent,

M-875
Index No. 260332/09

-against-

For an Order Staying the Arbitration by
Jose M. Veras,
Respondent,

State Farm Fire & Casualty Insurance
Company,
Additional Respondents-Appellants,

Mahlik Richard and Aleetha Wynder-Ortiz,
Additional Respondents-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 26, 2011, and said appeal having been perfected,

And respondents-appellants having moved for an order staying all proceedings, including petitioner-respondent's motion to enforce a certain judgment pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is 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 March 13, 2012.

PRESENT - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-474
Ind. No. 5402/10

Kevin Gonzalez,
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 February 14, 2011, for leave to prosecute the appeal as a poor person, upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

The motion, insofar as 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 March 13, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Fineman Family LLC,

Plaintiff-Respondent,

-against-

Third Avenue North LLC, et al.,

Defendants-Appellants.
-----X

M-295
Index No. 602502/09

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 20, 2011 (Appeal No. 5995),

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 March 13, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

M-682
M-686
Ind. Nos. 1730/99
1730A/99
6852/98

-against-

Angie Codina,
Defendant-Appellant.
-----X

An order of this Court having been entered on November 15, 2011 (M-4268), inter alia, granting defendant 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 June 24, 2009,

And respondent having moved to preclude defendant-appellant from belatedly filing an extension of time to file a pro se supplemental brief (M-682),

And defendant having cross-moved for an extension of time in which to file the pro se supplemental brief (M-686),

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

It is ordered that the motion (M-682) is denied, as moot. The cross motion (M-686) is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 9, 2012 for the September 2012 Term, to which Term the appeal is adjourned. 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 March 13, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Scott Kaufman,
Plaintiff-Appellant,

-against-

M-410
Index No. 300653/08

Jennifer Kaufman,
Defendant-Respondent.
-----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 August 18, 2010 (mot. seq. no. 009),

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 September 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 March 13, 2012.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Respondent,

-against-

M-186
Ind. No. 5973/09

Jeremy Fulton,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 20, 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.

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 March 13, 2012.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-194
Ind. No. 1656/09

Santos Lopez,
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 December 6, 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 \$20,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the 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 March 13, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

Enrique Hernandez,
Petitioner-Appellant,

M-244
Index No. 402390/10

Adilla Rosario,
Petitioner,

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

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 2, 2011,

And respondent-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 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 March 13, 2012.

Present - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-444
Ind. No. 6256/10

Douglas Kevorkian,

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 May 4, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK