

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

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

-----X
Sun Sun Corporation, Inc.,
Plaintiff-Respondent,

-against-

M-1840X
Index No. 600346/06

Yang Tze River Realty Corporation,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 18, 2011 (mot. seq. no. 004),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 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
ex rel. Joel Danishefsky and Jaelene
Danishefsky, on Behalf of Ann Covlin
and Myles Covlin, their granddaughter
and grandson,

Petitioners-Respondents,

-against-

SEALED

M-1828

Index No. 109087/10

Roderick Covlin,
Respondent-Appellant,

David Covlin and Carol Covlin,
Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 31, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated April 13, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2012 Term, is withdrawn in accordance with the aforesaid stipulation.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 May 15, 2012.

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

-----X
Marjorie Boston,
Plaintiff-Respondent,

-against-

1704
Index No. 305573/10

Westchester Square Plumbing, et al.,
Defendants-Respondents,

The New York City Transit Authority,
et al.,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated April 3, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 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 May 15, 2012.

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

-----X

Wing Wong Realty Corp.,
Plaintiff-Respondent,

-against-

Flintlock Construction Services, LLC,
Well-Come Holdings, Inc., Versatile
Consulting & Testing Services, Inc.,
and Roman Sorokko,
Defendants-Respondents,

-and-

M-1857
Index No. 101323/05

John S. Deerkoski, P.E. & Associates
and/or Deerkoski Engineering, P.C.,
Defendants-Appellants,

-and-

Diamond Point Excavation Corp.,
Defendant-Respondent.

-----X

(And third-party actions)

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 14, 2011 (mot. seq. no. 009),

Now, upon reading and filing the stipulation of the parties hereto, dated April 16, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 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 May 15, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Public Administrator of Bronx County
as Administrator for the Estate of
Charlie Feliciano, Deceased,

Plaintiff-Appellant,

-against-

M-1075
Index No. 301016/07

E. 138 Street Bronx Realty Corp.,
2537 P & B Rest. Inc., Maybar Café
& Piano Bar and Frederick Flores,

Defendants-Respondents.
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 9, 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 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 May 15, 2012.

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

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

Respondent,

-against-

M-1653
Ind. No. 3094/11

Roberto Colon,

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 February 15, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 May 15, 2012.

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

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

Respondent,

-against-

M-1655
Ind. Nos. 5616/11
4456/11

Anthony Jones,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, rendered on or about March 13, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 May 15, 2012.

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

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

Respondent,

-against-

M-1656
Ind. No. 240/09

Michael Jordan,

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 December 1, 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 May 15, 2012.

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

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

Respondent,

-against-

M-1657
Ind. No. 4171/11

Ronnie Killens,

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 March 16, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 May 15, 2012.

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

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

Respondent,

-against-

M-1660
Ind. No. 7910/00

Felix Machado,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of **resentence** of the Supreme Court, New York County, entered on or about October 20, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

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

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

Respondent,

-against-

M-1662
Ind. No. 4606/07

Juan Rios,

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 November 21, 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 May 15, 2012.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1665
Ind. No. 877N/11

Heriberto Ruperto,
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 March 13, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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

Respondent ,

-against-

M-1668
Ind. No. 2582/11

Johnnie Robinson, Jr.,

Defendant-Appellant.

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 January 10, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 May 15, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

-against-

M-797
Ind. No. 473/10

Juan Caceres,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 1, 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 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.

Greg R. Abolafia, Esq., 80 Wall Street, Suite 815, New York, NY 10005, Telephone No. (212)227-4716, 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. So much of the motion which seeks an extension of time in which to file a notice of appeal is 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 May 15, 2012.

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

-----X
In re Albert N. Eisenberg,
Deceased.

- - - - -
Law Offices of Seema Verma PLLC,

Petitioner-Appellant,

M-1316
File No. 2629/10

-against-

Citigroup, Inc., et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 1, 2012 (Appeal No. 6979N),

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 May 15, 2012.

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

-----X
Delta Enterprise Corp.,

Plaintiff-Appellant,

-against-

M-1435
Index No. 650528/11

Ralph Cohen,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on March 1, 2012 (Appeal No. 6978N),

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 May 15, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

Rabindranauth Persaud,
Plaintiff-Respondent,

-against-

M-1150
Index No. 15083/05

Harvey Pickering,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 28, 2010,

And an order of this Court having been entered on June 14, 2011 (M-1322), denying defendant-appellant's motion for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

And defendant-appellant having moved for renewal of the aforesaid motion, and for vacatur of a certain "default judgment",

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

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

-----X

Wilder Selzer,

Plaintiff-Respondent,

-against-

M-1126

Index No. 112370/07

New York City Transit Authority,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 31, 2011 (mot. seq. no. 002), and said appeal having been perfected,

And defendant-appellant having moved for a stay of retrial pending hearing and determination of the appeal, or for alternative relief,

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

It is ordered that the motion is granted to the extent of granting a stay of retrial, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-1586
Ind. No. 4234/09

Keith Agard, also known as Kenith
Agard,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about May 25, 2010, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before August 6, 2012 for the October 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

CORRECTED ORDER — May 21, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
JP Morgan Chase Bank National
Association,

Plaintiff-Respondent,

-against-

M-833
Index No. 118210/09

Hela Miodownik,

Defendant-Appellant,

Washington Mutual Bank, etc.,
et al.,

Defendants.
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 24, 2012 (Appeal No. 6613),

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 May 15, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In re Daniel Z. Rapoport, et al.,

Executors of the Estate of

Boris Lurie,
Deceased.

- - - - -
American Friends of New Communities
in Israel Inc., et al.,
Proposed Intervenor-Appellants,

M-601
Index No. 666/08

Richard Nadelman, et al.,
Petitioners-Respondents,

Boris Lurie Art Foundation,
Respondent-Respondent,

Elizabeth Goodman,
Respondent.

-----X

Proposed intervenors-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 17, 2012 (Appeal Nos. 6571N-6571NA),

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 May 15, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In re Gladys Cubilete,
Petitioner,

-against- M-1120
M-1187
Ricardo Elias Morales, etc., et al., Index No. 101331/09
Respondents.

-----X

Petitioner having moved by separate motions for reargument of (M-1120) or, in the alternative, for leave to appeal to the Court of Appeals (M-1187) from the decision and order of this Court entered on February 9, 2012 (Appeal No. 4133),

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 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 May 15, 2012.

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

-----X
Janine Feaster-Lewis, etc.,
Plaintiff-Respondent,

-against-

M-1322
Index No. 14179/01

Ohad Rotenberg, M.D., et al.,
Defendants,

Mercy Obstetrics and Gynecology, P.C.,
et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on March 1, 2012 (Appeal No. 6943),

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 May 15, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Randy Schindler,
Plaintiff-Appellant,

-against-

M-1436

M-1552

Index No. 115967/10

Lester Schwab Katz & Dwyer, LLP, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from an order and judgment of the Supreme Court, New York County, entered on or about June 8, 2011 and July 26, 2011, respectively,

And an order of this Court having been entered on January 5, 2012 (M-4784), dismissing plaintiff's appeals unless plaintiff perfected same for the June 2012 Term,

And plaintiff having failed to perfect said appeals for the June 2012 Term, and defendants having subsequently moved to dismiss plaintiff's appeals (M-1436),

And plaintiff having cross-moved to enlarge the time in which to perfect the aforesaid appeals (M-1552),

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 defendants' motion is granted and plaintiff's appeals are dismissed (M-1436). Plaintiff's motion to enlarge the time to perfect said appeals is denied (M-1552).

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 May 15, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Nina Berman,
Petitioner,

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

M-1270
Index No. 402655/11

-against-

New York State Department of Social
Services,
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 December 21, 2011,

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 serves 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 May 15, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-1448
Ind. No. 11064/96

Scot Richardson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 27, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

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

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

-against-

M-1605
Surrogate's Court
File No. 0178/10

Nina Y.,
Appellant.

- - - - -
J.B. and D.B.,
Respondents.

-----X
An appeal having been taken from the order of the Surrogates Court, New York County, entered on or about September 6, 2011,

And appellant mother Nina Y. having moved for an order staying a certain trial in the above-entitled action pending hearing and determination of said appeal, and for leave to prosecute the appeal as a poor person, 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 permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Surrogates Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant or appellant's counsel if any, the cost thereof to be charged against the City of New York from funds available therefor. The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-1383
Ind. No. 6362/06

Gabriel Hernandez,
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 (Zweibel, J.) entered on or about March 7, 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 Zweibel as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, 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 May 15, 2012.

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

-----x

Thomas Melone,

Petitioner-Appellant,

-against-

M-1747

Index No. 114780/10

Ian Banks, Inc.,

Respondent-Respondent.

-----x

Petitioner-appellant having moved for relief in the nature of a preliminary appellate injunction staying a certain arbitration pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about December 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 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 May 15, 2012.

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

-----X
Lynn & Cahill LLP,

Plaintiff-Respondent,

-against-

M-1754
Index No. 114676/09

Nadine Witkin,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 6, 2012,

And defendant-appellant having moved for a discretionary stay of proceedings including enforcement of the aforesaid order appealed and any money judgment entered thereupon, pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
The Padded Wagon, Inc.,
Plaintiff-Appellant,

-against-

Associates Commercial Corporation,
et al.,
Defendants,

M-1093
Index Nos. 21006/03
83445/03

Citicapital Commercial Corporation,
Defendant-Respondent.

Citicapital Commercial Corporation,
Counterclaim-Plaintiff-Respondent,

-against-

The Padded Wagon, Inc., et al.,
Counterclaim-Defendants-Appellants.

-----X
Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 2, 2012 (Appeal No. 6682),

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 May 15, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Guillermo Picaso,
Plaintiff,

-against-

M-1446
Index No. 302963/07

345 East 73 Owners Corp., and
Goodstein Management, Inc.,
Defendants.

-----X
345 East 73 Owners Corp., and
Goodstein Management, Inc.,
Third-Party Plaintiffs-Respondents,

Third-Party
Index No. 83887/09

-against-

Tower Building Services, Inc.,
Third-Party Defendant-Appellant.

-----X

Appeals having been taken by third-party defendant-appellant, Tower Building Services, Inc., from the orders of Supreme Court, Bronx County, entered on or about April 14, 2011 and on or about January 12, 2012, respectively,

And third-party defendant-appellant, Tower Building Services, Inc., having moved for an order enlarging the time in which to perfect the appeal from the order entered on or about April 14, 2011, and to consolidate said appeal with the appeal taken from the order entered on or about January 12, 2012,

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

It is ordered that the motion is granted to the extent of consolidating the aforesaid appeals, permitting third-party defendant-appellant, Tower Building Services, Inc., to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering said appeals. The time in which to perfect the consolidated appeals is enlarged to the October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on May 15, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

- - - - -
Andre Asim M.,
Petitioner-Appellant,

-against-

M-1445
Docket No. P2669/09

Madeline N.,
Respondent-Respondent.

- - - - -
Tennille M. Tatum-Evans, Esq.,
Attorney for Subject Child.

-----X

Petitioner-appellant having moved for an enlargement of
time in which to perfect the appeal from the order of the Family
Court, New York County, entered on or about March 17, 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 on or before
August 6, 2012 for the October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on May 15, 2012.

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

-----X
Daniel Hernandez and Rosalinda

Pichardo,
Plaintiffs-Respondents,

-against-

M-1826
M-1894
M-2009
Index No. 125067/00

Ten Ten Company, also known as
1010 Company,
Defendant-Respondent-Appellant,

Prudential Securities Incorporated
and Schmergel Construction Corp.,
Defendants-Appellants-Respondents.

-----X

The 1010 Company, L.P., etc.,
Third-Party Plaintiff-Respondent-
Appellant,

-against-

Index No. 590928/01

Prudential Securities Incorporated,
Third-Party Defendant-Appellant-
Respondent.

-----X

Schmergel Construction Corp.,
Second Third-Party Plaintiff-
Appellant-Respondent,

-against-

Index No. 459038/04

Roland's Electric,
Second Third-Party Defendant-
Appellant-Respondent.

-----X

Separate appeals and a cross appeal having been taken from the amended judgment of the Supreme Court, New York County, entered on or about July 13, 2011,

And defendant/third-party defendant-appellant-respondent, Prudential Securities, having moved for an enlargement of time to perfect its appeal (M-1826),

And defendant/third-party plaintiff-respondent-appellant Ten Ten Company, etc. having cross-moved for an enlargement of time to perfect the cross appeal taken from the aforesaid amended judgment, and for enlargement of the record on appeal to include Exhibits 1, 2 and 3 annexed to the moving papers of the cross motion (M-1894),

And defendant/third-party plaintiff-appellant-respondent Schmergel Construction Corp. having separately moved for an enlargement of time to perfect its appeal, and for leave to enlarge the record on appeal to include Exhibits A and D to his moving papers (M-2009),

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

It is ordered that the motions and cross motions are granted to the extent of enlarging the time to perfect the appeals and cross appeal to the October 2012 Term. Defendant/third-party plaintiff-respondent-appellant Ten Ten Company, etc. and defendant/third-party plaintiff-appellant-respondent Schmergel Construction Corp. are each directed to submit a supplemental record consisting of the aforesaid respective exhibits on or before August 6, 2012 for said October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

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

-----X
Lorin M. Barnes, as Administrator of
the Estate of Madeline Major, Deceased,
Plaintiff-Appellant,

-against-

M-1800
Index No. 302668/09

The Jewish Home and Hospital/Bronx
Division, Harry and Jean Andrews
Plaza Housing Associates, L.P., &
Metro Management & Development, Inc.,
Defendants-Respondents.

-----X
Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 22, 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 October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

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

-----X

Renato Tedesco,
Plaintiff-Respondent,

-against-

M-1701

Index No. 109766/06

EcoBank Transitional Incorporated,
doing business as EcoBank and EcoBank
Nigeria, Ltd.,
Defendant.

- - - - -
Ann G. Kayman, Esq.,
Non-Party Appellant,

Charles A. D'Agostino, Jr.
Non-Party Respondent.

- - - - -
(And another action)

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 18, 2010,

And non-party movant-appellant, pro se, having moved for an enlargement of time in which to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2012 Term, with no further enlargements.

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 May 15, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-1478
Ind. No. 6422/09

Raul Johnson,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 23, 2010,

And assigned appellate counsel for defendant having moved for an order "discontinuing" the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Regalada Moreno,

Plaintiff-Appellant,

-against-

M-1068

Index No. 309444/08

Rously Paul,

Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 16, 2011,

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

It is ordered that the motion is granted 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 May 15, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against- M-1300
Ind. No. 2173N/10
Jeffrey Garcia,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 17, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Tel. 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 May 15, 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 a Support Proceeding
Under Article 4 of the Family Court Act.

- - - - -

Glenda C.,
Petitioner-Respondent,

-against-

M-2017
Docket No. F43837-10/10A

Wayne C., also known as
Wayne I. C.,
Respondent-Appellant.

-----X

Respondent-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 14, 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, Steven N. Feinman, Esq., One North Broadway Suite 412, White Plains, NY 10601, Telephone No. (914)949-8214, 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;**

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on May 15, 2012.

| | | |
|----------|--------------------------|--------------------|
| Present: | Hon. Richard T. Andrias, | Justice Presiding, |
| | David Friedman | |
| | Karla Moskowitz | |
| | Helen E. Freedman | |
| | Sallie Manzanet-Daniels, | Justices. |

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

-against-

M-1224
Ind. No. 5076/07

Ronald Sudol,
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 February 14, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 May 15, 2012.

Present: Hon. Richard T. Andrias,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román,

Justice Presiding,

Justices.

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

-against-

M-1438
Ind. No. 1421/10

Keith Bacote,
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 January 23, 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's pro bono counsel, Hughes Hubbard & Reed LLP, One Battery Park Plaza, New York, NY 10004-1482 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, 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 May 15, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-1419
Ind. No. 5649/11

Peter Saunders,
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 February 29, 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 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, all banks accounts, listing his real or personal property and social security or disability benefits, and an explanation why similar funds are not available to prosecute this 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 May 15, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-1290

Ind. No. 3409/09

Gary L. Dovier,

Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 26, 2010, 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 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 May 15, 2012.

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

-----X
Lawrence Ruben Company, Inc., Duit Realty
Corp. and Tower Plaza Associates,

Plaintiffs-Respondents-Appellants,

-against-

Admiral Indemnity Company,

Defendant-Appellant-Respondent.
-----X

M-1433
M-1646
Index No. 102721/10

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 28, 2011,

And defendant-appellant-respondent having moved for an enlargement of time in which to perfect the aforesaid appeal (M-1433),

And plaintiffs-respondents-appellants having cross-moved for an enlargement of time in which to perfect the cross appeal taken from the aforesaid order (M-1646),

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 granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the December 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

| | |
|-------------------------------|--------------------|
| Present - Hon. David B. Saxe, | Justice Presiding, |
| John W. Sweeny, Jr. | |
| Rolando T. Acosta | |
| Helen E. Freedman | |
| Nelson S. Román, | Justices. |

-----x

Melissa C. D.,
Plaintiff-Respondent,

-against-

M-1278
Index No. 313679/10

Rene I. D.,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 12, 2012,

And defendant-appellant having moved for a stay of enforcement of the order appealed, with respect to certain aspects of visitation between the parties and the subject children T.D. and S.D., 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 to the extent of reinstating Thursday night overnight visitation by the subject child T.D. with the defendant-appellant father, and suspending overnight visitation by the subject child S.D. with the plaintiff-respondent mother, on condition the appeal is perfected on or before August 6, 2012 for the October 2012 Term, without prejudice to further proceedings in Supreme 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 May 15, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Wilfredo Lopez,
Plaintiff-Appellant,

-against-

M-589
Index No. 603781/09

Richard A. Fenn,
Defendant-Respondent,

JPMorgan Chase & Co., 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 December 27, 2011 (Appeal No. 5420-22),

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 May 15, 2012.

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

-----X
Epic Security Corp.,

Plaintiff-Respondent,

-against-

M-1735
Index No. 601519/08

AMCC Corp.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement
of time in which to perfect the appeal from the order of the
Supreme Court, New York County, entered on or about April 15,
2011,

And an order of this Court having been entered on
April 19, 2012 (M-1162), granting defendant-appellant an
enlargement of time to perfect to the September 2012 Term,

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

It is ordered that the motion is denied, as unnecessary,
said relief having been granted by the order of this Court
entered on April 19, 2012 (M-1162).

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 May 15, 2012.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Kendra Cividanes,
Plaintiff-Respondent,

-against-

M-1726
Index No. 308141/08

City of New York,
Defendant,

Manhattan and Bronx Surface Transit
Operating Authority, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 22, 2012 (Appeal No. 6511),

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

It is ordered that the motion, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of the Supreme Court, as affirmed by the this Court, properly made?"

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

ENTER:


CLERK

PM ORDERS
ENTERED ON
MAY 15, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 15, 2012.

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

-----x

Pat Roddy,
Plaintiff,

-against-

Nederlander Producing Company of
America, Inc., The Gershwin Theatre,
Defendants-Respondents.

M-1849
Index No. 113659/02

- - - - -
The Gershwin Theatre,
Third-Party Plaintiff-Respondent,

-against-

Abhann Productions, Inc.,
Third-Party Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 9, 2011 (mot. seq. no. 015), and said appeal having been perfected,

And third-party defendant-appellant Abhann Productions, Inc. having moved for a stay of trial 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