

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 29, 2012.

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

-----X  
Deutsche Bank Securities, Inc. and  
SPCP Group, LLC,  
Plaintiffs-Respondents,

-against-

M-2201  
Index No. 603051/08

Lexington Drake L.P., Lexington  
Antioch LLC, Lexington Realty  
Trust and Triple Net Investment  
Company, LLC,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 29, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated October 17, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 29, 2012.

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

-----X  
RPAP Hotel Debt (Alex), L.L.C.,  
Plaintiff-Respondent,

-against-

M-2223X  
Index No. 650964/10

205 East 45 LLC, et al.,  
Defendants-Appellants.

-----X  
(And another action)

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 18, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 2, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 29, 2012.

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

-----X  
RPAP Hotel Debt (Alex), LLC,  
Plaintiff-Respondent,

-against-

M-2224X  
Index No. 650963/10

205 East 45 LLC, et al.,  
Defendants-Appellants.

-----X  
(And another action)

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 18, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 2, 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 29, 2012.

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

-----X  
RPAP Hotel Debt (Alex), L.L.C.,  
Plaintiff-Respondent,

-against-

M-2227X  
Index No. 651154/10

EALC LLC, et al.,  
Defendants-Appellants.

-----X  
(And another action)

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 18, 2012 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 2, 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 29, 2012.

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

-----X  
RPAP Hotel Debt (Alex), L.L.C.,  
Plaintiff-Respondent,

-against-

M-2228X  
Index No. 651153/10

EALC LLC, et al.,  
Defendants-Appellants.

-----X  
(And another action)

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 18, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 2, 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 29, 2012.

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

-----X

Mohammad H. Rahman,

Plaintiff-Appellant,

-against-

M-2248X  
Index No. 301681/09

Donovan A. Drummond, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 8, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 3, 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 29, 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-2261  
Ind. No. 1581/10

David Simmon,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 22, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated April 30, 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 29, 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-2266  
Ind. No. 1302/10

Thomas Howell,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated November 3, 2011, 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 29, 2012.

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

-----X  
Affordable NY Installations, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

M-2225X  
Index No. 651938/10

Daryl Hagler,  
Defendant-Appellant-Respondent,

-and-

FPS Contracting of NY Inc. and  
American Star Agency, Inc.,  
Defendants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 2, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----X

Zurich American Insurance Company  
and Zurich Insurance Company, Ltd.,  
Plaintiffs-Appellants,

-against-

Sony Corporation of America, et al.,  
Defendants-Respondents,

-and-

M-2264  
Index No. 651982/11

Mitsui Sumitomo Insurance Company  
of American, et al.,  
Defendants,

-and-

Ace American Insurance Company,  
Defendant-Appellant.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about November 3, 2011 and November 10, 2011, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated May 7, 2012, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the April 2012 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----X

Aish Realty, LLC.,  
Plaintiff-Appellant,

-against-

M-2191  
Index No. 110463/10

Brookhill Management Corporation  
and Ronald Bruder,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 10, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated April 30, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 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 29, 2012.

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

-----X  
Glenn Anthony, as Administrator of  
the Estate of Bertha Anthony,  
Deceased,  
Plaintiff-Respondent,

-against-

M-2203  
Index No. 310722/08

Stuart Akerman, M.D., Hannah Lipman,  
M.D., Wanda Horn, M.D., Anna Flattau,  
M.D., and Montefiore Medical Center,  
Defendants,

Zergabachew Asfaw, M.D.  
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated April 11, 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 29, 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-2003  
Ind. No. 3783/08

Nelson Cruz,  
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 September 9, 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

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 29, 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-2005  
Case No. 45332C/09

Arjune N. Singh,  
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 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 29, 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-2008  
Ind. No. 873/11

Joe Herring,  
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 19, 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

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 29, 2012.

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

-----X  
In the Matter of the Application of  
Laverne Capehart,  
Petitioner-Appellant,

For an Order Pursuant to Article  
78 of the CPLR,

M-2200  
Index No. 403101/11

-against-

New York City Housing Authority,  
Justice Sonia Sotomayor Houses,  
Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one  
paper) of the Supreme Court, New York County, entered on or about  
March 26, 2012,

And petitioner-appellant having moved for leave to prosecute  
the appeal as a poor person, upon the original record and  
reproduced petitioner's brief, and for a stay of the eviction  
proceedings 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 in its entirety.

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 29, 2012.

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

-----X

Dennis Hough,  
Plaintiff-Appellant,

-against-

M-2090  
Index No. 601490/07

USAA Casualty Insurance Company,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on March 1, 2012 (Appeal Nos. 6963-6964),

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 29, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

For a Judgment Pursuant to Article 78 M-1838  
of the Civil Practice Law and Rules, Index No. 401379/11

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X  
Respondent-respondent having moved for dismissal of the appeal taken from the order and judgment of the Supreme Court, New York County, entered on or about January 27, 2012, as untimely taken (CPLR 5513[a]),

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 29, 2012.

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

-----X

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

M-2141  
Docket No. V26372/10  
Lorna T.,  
Petitioner-Appellant,

-against-

Desiree Dannielle S. C.,  
Respondent-Respondent.

- - - - -

Randall Carmel, Esq.,  
Attorney for the Child.

-----X

Counsel for petitioner-appellant child, Paul Sweeney, Esq., having moved for leave to respond, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 27, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief, and said appeal having been perfected,

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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, 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. The appeal is adjourned to the October 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against- M-1787  
Ind. Nos. 2664/11  
Timothy Finkley, 2996/11  
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 15, 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 pay the fee of trial counsel, Harold L. Levy, Esq., and to post the \$70,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----X  
The Board of Managers of 50 Pine  
Street Condominium,

Plaintiff,

**M-1999**

Index No. 11021/09

-against-

David Carroll, et al.,

Defendants.

-----X

Defendants having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about 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 29, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Callie Glover,  
Plaintiff-Appellant,

-against-

M-1707  
Index No. 13416/98

Bradlees, Inc. and Vornado Realty  
Trust,  
Defendants-Respondents.

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

-----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 July 13, 2011,

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

It is ordered that the motion is 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 29, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Minerva Benitez Rosario,  
Plaintiff-Appellant,

-against-

M-1708  
Index No. 107114/09

Moisey Dlugach and Danilo E.  
Bautista,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time  
in which to perfect the appeal from the order of the Supreme  
Court, New York County, entered on or about July 12, 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 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 29, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Joann Moorner,  
Petitioner-Respondent,

-against-

M-1806  
Index No. 403272/10

NYC HPD Office of Housing Operations  
& Division of Tenant Resources,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for an enlargement of time  
in which to perfect the appeal from the order and judgment (one  
paper) of the Supreme Court, New York County, entered on or about  
August 9, 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 November  
2012 Term.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----x  
Jesus Paredes, an infant under the age  
of 14 years by his mother and natural  
guardian, Raquel Nunez, and Raquel  
Nunez, Individually,  
Plaintiffs-Respondents,

-against-

M-2086  
Index No. 350098/09

The City of New York,  
Defendant,

The Department of Education of the  
City of New York,  
Defendant-Appellant.

-----x  
Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 7, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----x

Mara Rubin,

Plaintiff-Appellant,

-against-

M-2210

Index No. 350047/09

Anthony Della Salla,

Defendant-Respondent.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 19, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department in  
the County of New York on May 29, 2012.

PRESENT - Hon. Peter Tom,	Justice Presiding,
Richard T. Andrias	
James M. Catterson	
Rosalyn H. Richter	
Sheila Abdus-Salaam,	Justices.

-----X  
Dale Kleinser,  
Plaintiff-Appellant,

-against-

M-1309  
Index No. 116844/06

Mark Astarita, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal  
to the Court of Appeals from the decision and order of this  
Court entered on February 14, 2012 (Appeal Nos. 6807-6807A-  
6807B),

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 29, 2012.

PRESENT - Hon: Peter Tom, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

Pat Murphy,  
Petitioner,

-against-

M-2116  
Index No. 107161/10

New York City Parking Violations  
Bureau,  
Respondent.

-----X

A purported appeal having been taken from "an order" of the Supreme Court, New York County, dated March 2, 2011, declining to sign an Order to Show Cause,

And an order of this Court having been entered on April 10, 2012 (M-2234), denying petitioner's motion for poor person relief, with leave to renew with respect to, and upon proof of a timely taken appeal from, an order of the Supreme Court, New York County, entered on or about November 19, 2010, as indicated therein,

And petitioner having moved for leave to file a late notice of appeal, poor person relief, and related relief,

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

It is ordered that the motion is denied.

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 29, 2012.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-6089  
Ind. No. 793/08

Torkieh Sadagheh,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to proceed pro se on his appeal from the judgment of the Supreme Court, New York County, rendered on or about October 13, 2009, and for renewal of his motion for leave to prosecute the aforesaid appeal as a poor person,

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 allowing defendant-appellant to proceed pro se, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment shall be substituted in place of the original indictment and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the District Attorney of said county. The copies of defendant's pro se brief submitted with the motion are deemed filed for the September 2012 Term.

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 is directed to forward to the Warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the

transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se reply brief.

Appellant is advised that the appeal will not be heard unless and until all material furnished to him has been returned to this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

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

United Financial Insurance Company,  
Petitioner-Appellant,

-against-

M-1264  
Index No. 260541/09

Zoraida Aubain, et al.,  
Respondents-Respondents.

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 28, 2011, as untimely taken (CPLR 5513[a]),

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 29, 2012.

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

-----X  
Varender Kumar and Rupa Kumar,  
Plaintiffs-Appellants,

-against-

M-1648  
Index No. 105010/05

Mercedes-Benz USA, LLC, et al.,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved to dismiss the appeal  
from the judgment of the Supreme Court, New York County, entered  
on or about May 13, 2009,

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 29, 2012.

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

-----X  
The People of the State of New York  
ex rel. Thomas Patrick Olsen,

Petitioner,

M-1739

-against-

Warden, Manhattan Detention  
Complex, et al.,

Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the application is hereby denied and the writ 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 29, 2012.

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

-----X

In the Matter of the Application of  
the State of New York,  
Petitioner-Respondent,

For Commitment Under Article 10  
of the Mental Hygiene Law,

M-2163  
Index No. 398/07

-against-

Nelson D.,  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 24, 2011,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[b], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of 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 Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

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 29, 2012.

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

-----X  
Desiree L.,

Petitioner,

M-1714  
IDV No. 239/07

-against-

Lewis N.,

Respondent.

-----X

Respondent pro se having moved for leave to prosecute, as a poor person, the purported appeal from the order of the Supreme Court, Bronx County (IDV Part), entered on or about February 22, 2012, for assignment of counsel, a free copy of the transcript, and to enlarge the record on appeal, and related relief,

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

Ordered that the motion is denied, with leave to renew upon proof of a timely taken appeal, including but not limited to submission of a properly filed notice of appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----x  
Karen Elmaliach, et al.,

Plaintiffs-Respondents,

-against-

M-2171  
Index No. 102026/09

Bank of China Limited,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 8, 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 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 29, 2012.

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

-----X  
Alistine Thompson,  
Plaintiff-Respondent,

-against-

M-1783  
Index No. 303131/08

Morningside House Nursing Home  
Company, et al.,  
Defendants,

Michael Irwin, M.D. and Morningside  
Medical Practice, P.C.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of  
time in which to perfect the appeal from the order of the Supreme  
Court, Bronx County, entered on or about June 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 the November  
2012 Term.

ENTER:

  
CLERK

CORRECTED ORDER - OCTOBER 30, 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 29, 2012.

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

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

-against-

M-1823  
Ind. No. 3124/95

Daniel Tavarez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 23, 2010 (M-3823) granting respondent leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or **July 29, 1996**, and assigning Robert S. Dean, Esq., as counsel for purposes of prosecuting the appeal,

And defendant-appellant, through assigned counsel, having moved for a reconstruction hearing with respect to jury deliberations held on July 16, 1996 and July 17, 1996 before Hon. George D. Covington, 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 remanding the matter to the Supreme Court, Bronx County, for a reconstruction hearing of the proceedings held on July 16, 1996 and July 17, 1996 with respect to jury deliberations as expeditiously as possible. Appellant's counsel is directed to serve a copy of this order upon the Clerk of the Supreme Court, Bronx County, within 10 days from the date of entry hereof, and the Clerk is directed to have the minutes transcribed and delivered to appellant's counsel for inclusion in the record within 30 days of the conclusion of said reconstruction hearing. Sua sponte, appellant's time in which to perfect the appeal is enlarged to the November 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----X  
Vera Salnikova, etc., et al.,  
Petitioners-Appellants,

-against-

M-1674  
Index No. 117881/09

Andrew Cuomo, etc., et al.,  
Respondents-Respondents.

-----X

Petitioners-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 6, 2012 (Appeal No. 6997),

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 29, 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-1191  
Ind. No. 4596/06

Walter Cates, Sr., also known as  
Walter Johnson,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on February 21, 2012 (Appeal No. 6583),

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 29, 2012.

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

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

-against-

M-1690  
Ind. No. 4721/07

Juan Delacruz,  
Defendant-Appellant.

-----X

Defendant having moved, via retained counsel, for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 14, 2010,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

Respondent, **M-1279**  
Ind. Nos. 1713/07  
-against- 2612/07  
483/09  
Luis Davila, Jr., 1311/11

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, Bronx County, rendered on or about July 18, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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 29, 2012.

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

-----X  
Winston & Strawn LLP,  
Plaintiff-Respondent,

-against-

M-2258  
Index No. 600022/09

Vulcan Capital Management Inc.,  
doing business as Vulcan Capital  
Management,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about January 19, 2012,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the November 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----X

Carmen Cintron,  
Plaintiff-Appellant,

-against-

M-1315  
Index No. 21705/05

Montefiore Medical Center,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for renewal/reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 16, 2012 (Appeal Nos. 6835-6836),

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 29, 2012.

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

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

-against-

M-2030  
Docket No. 2009NY047217

Espasien Dauphin,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about August 29, 2011,

And an order of this Court having been entered on January 19, 2012 (M-5184), inter alia, granting defendant leave to prosecute the aforesaid appeal as a poor person, and assigning counsel therefor,

And an order of this Court having been entered on April 12, 2012 (M-5184A) recalling and vacating the prior order of this Court entered January 19, 2012 (M-5184) and, inter alia, granting defendant leave to prosecute the appeal as a poor person and assigning counsel to prosecute the appeal under Docket No. 2009NY047217,

And the People having moved to strike the order of this Court entered January 19, 2012 (M-5184),

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated April 25, 2012, and due deliberation having been had thereon,

It is ordered that the instant motion by the People to strike the aforesaid order of this Court entered January 19, 2012 is deemed withdrawn, in light of the aforesaid order of this Court entered on April 12, 2012 (M-5184A).

ENTER:

  
CLERK

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

BEFORE: Hon. Luis A. Gonzalez,

Justice.

-----X

<b>The People of the State of New York,</b>	:	<b>M - 1897</b>
- against -	:	CERTIFICATE
	:	DENYING LEAVE
<b>Yohannes Johnson,</b>	:	
Defendant.	:	<b>Indictment No.</b>
	:	<b>5975/80</b>

-----X

I, Luis A. Gonzalez, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about August 3, 2011, is hereby denied.

Dated: New York, New York

May 7, 2012

Entered: May 29, 2012

  
Justice



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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

-----X

The People of the State of New York,

M-757

Ind. No. 2260/95

-against-

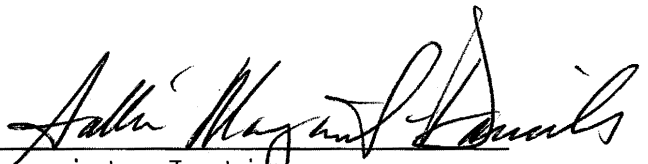
CERTIFICATE  
DENYING LEAVE

Thomas Riley,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about March 29, 2011 is hereby denied.

  
Associate Justice

Dated: May 1, 2012  
New York, New York

ENTERED: May 29, 2012

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-1814  
Ind. No. 4087/03

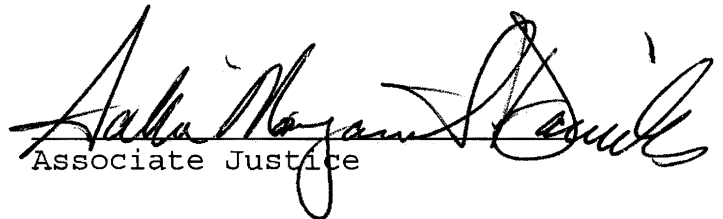
-against-

CERTIFICATE  
DENYING LEAVE

Nelson Cruz,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about August 12, 2011 is hereby denied.

  
Associate Justice

Dated: May 7, 2012  
New York, New York

ENTERED: May 29, 2012

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

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

-----X

The People of the State of New York,

M-1891  
Ind. No. 5585/04

-against-

CERTIFICATE  
DENYING LEAVE

Luis Mieles,

Defendant.

-----X

I, Nelson S. Román, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, sections 450.15  
and 460.15, and upon the record and proceedings herein, there is  
no question of law or fact presented which ought to be reviewed  
by the Appellate Division, First Judicial Department, and  
permission to appeal from the order of the Supreme Court, New  
York County, rendered on or about September 12, 2011 is hereby  
denied.

  
\_\_\_\_\_  
Associate Justice

Dated: May 7, 2012  
New York, New York

ENTERED: May 29, 2012

PM ORDERS  
ENTERED ON  
MAY 24, 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 24, 2012.

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

-----X  
Diana Echevarria,  
Plaintiff-Respondent,

-against-

M-2118  
Index No. 105122/08

Motor Vehicle Accident Indemnification  
Corporation and Jermaine McGraw,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 22, 2012,

And defendants-appellants having moved to stay the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is 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 24, 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,

-against-

M-579  
Ind. No. 1373/09

Michael Toliver,  
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 September 13, 2010, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief, and said appeal having been perfected,

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 September 4, 2012 for the November 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

PM ORDERS  
ENTERED ON  
MAY 29, 2012

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

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

-----X  
In the Matter of

Georges David P., also known as  
Georges P., also known as Georges A.,  
also known as George P., also known  
as George A.,

**M-2013A**  
Docket No. B584/11

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

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Graham-Windham Services to Families  
and Children, et al.,  
Petitioners-Respondents,

Yvelisse A.,  
Respondent-Appellant.


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

-----X  
  
Respondent-appellant mother having moved for a stay of  
the order of the Family Court, Bronx County, entered on or about  
March 27, 2012, pending hearing and determination of the appeal  
taken therefrom,

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

It is ordered that the motion is denied. (See M-2013,  
decided simultaneously herewith.)

Dated: New York, New York  
May 18, 2012  
  
Entered: May 29, 2012

  
Hon. Sheila Abdus-Salaam,  
Associate Justice



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 29, 2012.

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

-----X  
In the Matter of

Georges David P., also known as  
Georges P., also known as Georges A.,  
also known as George P., also known  
as George A.,

**M-2013**  
Docket No. B584/11

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

- - - - -  
Graham-Windham Services to Families  
and Children, et al.,  
Petitioners-Respondents,

Yvelisse A.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 27, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, 225 Broadway,

Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, 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 therefor<sup>1</sup> **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-2013A, decided simultaneously herewith.)

ENTER:

  
CLERK

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

**CORRECTED ORDER – June 20, 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 29, 2012.

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

-----X

IGS Realty Co., Inc., doing business as  
IGS Realty Co.,  
Plaintiff-Respondent,

**M-2044**

-against-

Index No. 603561/09

James H. Brady,  
Defendant-Appellant.

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West Side Loft, Inc.,  
Plaintiff-Appellant,

-against-

Index No. 600740/09

IGS Realty Co., L.P., doing business as  
IGS Realty Co.,  
Defendant-Respondent.

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IGS Realty Co., L.P.,  
Petitioner-Landlord-Respondent,

-against-

Index No. 570674/11

James Catering, Inc., doing business as  
Loft Eleven,  
Respondent-Tenant-Appellant.

-----X

Appeals having been taken to this Court by defendant-appellant James H. Brady from the order and judgment of the Supreme Court, New York County, entered on or about November 4, 2011 (mot. seq. no. 003) and November 21, 2011, respectively [Index No. 630561/09],

CORRECTED ORDER – June 20, 2012

(M-2044)

-2-

May 29, 2012

And an appeal having been taken having been taken by plaintiff West Side Loft, Inc. from the order of the Supreme Court, New York County, entered on or about June 15, 2011 (mot. seq. no. 005)[Index No. 600740/09],

And an order of this Court having been entered on February 16, 2012 (M-94), inter alia, consolidating the appeals taken from the order and judgment under Index No. 603561/09 and directing that the aforesaid consolidated appeals be calendared for hearing together with the appeal taken from the order entered June 15, 2011 under Index No. 600740/09, and staying the aforesaid orders and judgment an any execution thereon upon certain conditions,

And respondent-appellant, James Catering, Inc., doing business as Loft Eleven, having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about **January 23, 2012** (Index No. 570674/11), and for consolidation of all of the aforesaid appeals,

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

It is ordered that the motion for leave to appeal to this Court is granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

The motion, to the extent that it seeks consolidation of all of the aforesaid appeals is granted to the extent of directing the Clerk to calendar the aforesaid consolidated appeals under Index No. 603561/09, for hearing together with the appeal from the order entered on or about June 15, 2011 under Index No. 600740/09 and with the appeal from the order of Appellate Term entered on or about **January 23, 2012** under Index No. 570674/11. Sua sponte, the time in which to perfect all of the aforesaid appeals is enlarged to on or before July 9, 2012 for the

CORRECTED ORDER – June 20, 2012

(M-2044)

-3-

May 29, 2012

September 2012 Term. The stay previously granted by the order of this Court entered on February 16, 2012 (M-94) is continued pending hearing and determination of the aforesaid appeals, on condition defendant-appellant perfects the consolidated appeals under Index No. 603561/09 on or before July 9, 2012 for the September 2012 Term. The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2012.

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

-----x

Lillian N. Nall and 1439 Corp.,  
Plaintiffs-Appellants,

-against-

M-2176

M-2297

Index No. 106958/11

Estate of Dawn Powell, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiffs from orders of the Supreme Court, New York County, entered on or about March 19, 2012 and March 29, 2012, respectively, and said appeals having been perfected,

And a purported appeal having been taken by plaintiffs from an order declining to sign an order to show cause of said Court entered on or about April 23, 2012 (mot. seq. no. 002),

And plaintiffs having moved for a stay of enforcement of the order entered on or about March 19, 2012, for leave to appeal from said order, if necessary, and for preference in hearing of the appeal (M-2176),

And defendants-respondents having cross-moved for an order striking portions of plaintiffs-appellant's record and brief, or for alternative, relief (M-2297),

Now, upon reading and filing the papers with respect to the motion and cross motion including the stipulation of the parties made with respect to the aforesaid cross-motion dated May 15, 2012, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enjoining the leasing of the demised premises at issue in the order entered on or about March 19, 2012 and directing the Clerk to maintain the appeal on the calendar for the September 2012 Term, and denied as unnecessary insofar as leave to appeal is sought with respect to the order entered on or about March 19, 2012 and otherwise denied, and it is further,

Ordered that in accordance with the aforesaid stipulation of the parties dated May 15, 2012, the cross motion is withdrawn; a supplemental record on appeal having been filed by plaintiffs-appellants on May 22, 2012 in compliance with the aforesaid stipulation of the parties.

ENTER:

  
CLERK