

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 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-

Stephen Brown,

Defendant-Appellant.

-----X

M-4089

Ind. Nos. 3317/11

1535/11

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 July 19, 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 November 8, 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-4090
Ind. No. 4242/11

Flor Cruz,

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 August 8, 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 November 8, 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-4091
Ind. No. 494/12

Jimmy Davis,

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 July 31, 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

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 November 8, 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-4094
Ind. No. 150/10

Erik V. Davidson,

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 August 1, 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

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. The motion is otherwise denied.

ENTER:



CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

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

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

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 November 8, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Marianne Nestor and Peggy Nestor,
Petitioners-Landlords-Appellants,

-against-

M-4208
Index No. 570385/07

Thomas Britt,
Respondent-Tenant-Respondent,

-and-

"John and/or Jame Doe,"
Respondent.

-----X

Petitioners-landlords-appellants having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 16, 2012,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Moshe Friedman,
Petitioner-Appellant,

-against-

M-4205
Index No. 104301/11

New York State Division of Human
Rights, et al.,
Defendants-Respondents.
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about August 30, 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 December 31, 2012 for the March 2013 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
Inez Simens, etc., et al.,
Plaintiffs-Respondents,

-against-

Action No. 1

Charles Darwish, etc., et al.,
Defendants-Respondents.

M-3993
Index No. 105097/09

Neal Fellenbaum, etc., et al.,
Petitioner-Respondent,

-against-

Action No. 2

Smallbone, Inc., etc.,
Respondent-Appellant.
-----x

Separate appeals having been taken to this Court in Action No. 1 from orders of the Supreme Court, New York County, entered on or about November 7, 2011 and April 25, 2012, respectively, and the appeal from the order entered on or about April 25, 2012 having been perfected,

And an appeal having been taken to this Court in Action No. 2 from the order of the Supreme Court, New York County, entered on or about August 6, 2012 (mot. seq. no. 017),

And defendant-appellant in Action No. 2, Smallbone, Inc., having moved for a stay of all proceedings in Action No. 2 pending hearing and determination of their appeal taken from the aforesaid order entered on or about August 6, 2012 (Action No. 2),

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 staying all proceedings in the aforesaid Action No. 2 pending hearing and determination of the appeal, on condition the appeal is perfected on or before December 31, 2012 for the March 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 8, 2012.

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

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

-against-

M-2698
Ind. No. 3124/95

Daniel Tavaréz,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 23, 2010 (M-3823) [corrected order entered October 30, 2012], granting defendant-appellant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 29, 1996, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And defendant-appellant having moved for leave to prosecute the appeal from the order of said Court entered on or about May 27, 2010, **denying resentence**, as a poor person, 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 from the order entered on or about May 27, 2010. Sua sponte, the time to perfect the appeals is enlarged to the April 2013 Term (See M-3895, decided simultaneously herewith).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

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

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

-against-

M-3895
Index No. 3124/95

Daniel Tavaréz,
Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 29, 1996, 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 (See M-2698, decided simultaneously herewith).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 8, 2012.

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

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

-against-

M-3097
Ind. No. 9755/99

Ranfis Perez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 25, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard 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 **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 November 8, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Carlos Garcia,
Plaintiff-Respondent,

-against-

M-2554
Index No. 105831/07

225 East 57th Street Owners, Inc.,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 26, 2012 (Appeal No. 6195),

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 November 8, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4401
Ind. No. 10/11

Nilton Rodriguez,
Defendant-Appellant.

-----X

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

And defendant-appellant having moved for a an enlargement of time to perfect 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 enlarging the time to perfect the appeal to the June 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

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

-----X

Jocelyne Wildenstein,
Plaintiff-Respondent,

-against-

M-3896
Index No. 650968/10

5H&Co, Inc., et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 24, 2012 (Appeal No. 7042),

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 November 8, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
DL Marble & Granite Inc.,
Plaintiff-Appellant,

-against-

M-4217
Index No. 104923/10

Madison Park Owners, LLC et al.,
Defendants-Respondents,

-and-

Wells Fargo Bank, N.A., et al.,
Defendants.

-----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 May 2, 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 on condition that the appeal is perfected for the March 2013 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
David B. Saxe, Justices.

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

-against-

M-3780
Ind. No. 6883/95

Stanley Jackson,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 14, 2002 (Appeal No. 220), unanimously affirming a judgment of the Supreme Court, Bronx County (Martin Marcus, J.), rendered on April 16, 1998,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 November 8, 2012.

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

-----X

Dany David,

Plaintiff-Respondent,

-against-

Michail Z. Hack, et al.,

Defendants-Appellants.

-----X

M-3626
Index No. 103705/11

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on July 10, 2012 (Appeal No. 6819),

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 November 8, 2012.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----x

Victor Weingarten,
Plaintiff-Respondent,

-against-

S&R Medallion Corp., et al.,
Defendants-Appellants,

M-4426
Index No. 102230/08E

-and-

David Beier,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 12, 2011 (mot. seq. nos. 003, 005), and said appeal having been perfected,

And defendants-appellants having moved for a stay of a pre-trial conference and 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

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 November 8, 2012.

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

-----X
Tishman Construction Corp. of
New York, et al.,
Plaintiffs-Appellants,

-against-

Great American Insurance
Company, et al.,
Defendants-Respondents.

M-3254
Index No. 112959/05

-----X

Plaintiffs-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 June 12, 2012 (Appeal Nos. 6926 and 6927),

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 November 8, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of

Brandon M.

A Person Alleged to be
a Juvenile Delinquent,
Respondent-Appellant.

M-4436
Docket No. D189/11

-----X

Appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, Bronx County, entered on or about December 2, 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 March 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Bruce Lindenman and Jane Lindenman,
Respondents-Respondents,

-against-

M-4567
Index No. 109292/97

David M. Kreitzer, Individually,
doing business as and/or as partner
in Kreitzer & Vogelman, David H.
Vogelman, Leonard R. Shoob,
Kreitzer & Vogelman, et al.,
Defendants-Appellants.

-----X

Defendant-appellant David M. Kreitzer having moved for an enlargement of time to perfect the appeal from an amended judgment of the Supreme Court, New York County, entered on or about September 16, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2013 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Robert M. Tamburino, et al.,
Plaintiffs-Respondents,

-against-

Madison Square Garden, L.P.,
Defendant-Appellant.

M-4720
Index No. 111432/10

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 23, 2011, and said appeal having been perfected,

And plaintiffs-respondents having moved for an enlargement of time to file a respondents' brief,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

White Knight NYC Venture, LLC,
Plaintiff-Respondent,

-against-

15 West 17th Street, LLC, et al.,
Defendants-Appellants..

-----X

M-4450
Index No. 117340/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 18, 2012,

And defendants-appellants having moved for a stay of execution of any deficiency judgment entered pursuant to the aforesaid order appealed 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 November 8, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Diamond Tyneshia B.,

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

- - - - -

Administration for Children's Services,
Petitioner-Respondent,

M-3733
Docket No. NN-21393/09

Daniel B.,
Respondent,

Aisha K.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding of the Family Court, Bronx County, entered on or about April 19, 2012, and deemed to be from the Order of Disposition of said Court entered on or about June 26, 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, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, New York 10018, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Benjamin D., and
Denavia L.,

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

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

M-3608
Docket Nos. NN-1574/12
NN-1575/12

Vianuvia D.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal the Order of Fact-Finding the Family Court, Bronx County, entered on or about April 25, 2012, and from the Order of Disposition of said Court entered on or about May 30, 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, Richard L. Herzfeld, Esq., 104 West 40th Street, 2nd Floor, New York, New York 10018, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the City of New York from funds available therefor¹
within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x
Probate Proceeding,

Last Will and Testament of
Huguette M. Clark,

Deceased.

Wallace Bock,
Petitioner-Appellant,

SURROGATE'S COURT
M-4501
File No. 1995-1375/A

Irving H. Kamsler,
Petitioner-Respondent,

Karine Albert McCall, et al.,
Objectants-Respondents,

Timothy Gray, et al.,
Respondents-Respondents.

-----x

Petitioner-appellant having moved for a stay of the order of the Surrogate's Court, New York County, entered on or about September 14, 2012, pending hearing and determination of the appeal taken therefrom, 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, and the interim relief granted by order of a Justice of this Court dated October 11, 2012, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x

Landauer Limited,
Plaintiff-Appellant,

-against-

Joe Monani Fish Co., Inc.,
Defendant-Respondent.

-----x

M-4692
M-4684
Index No. 260550/10

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 17, 2011, and said appeal having been perfected,

And plaintiff-appellant having moved for leave to strike designated portions of the respondent's brief (M-4692),

And defendant-respondent having cross-moved for leave to strike designated portions of plaintiff's reply brief (M-4684),

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

It is ordered that the motion and cross motion are denied, without prejudice to addressing the issues upon hearing of the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Nasir S., and
Jani Faith B.,

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

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

M-4140
Docket Nos. N-20818/11
N-20819/11

Craig S.,
Respondent-Appellant.

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

Julian A. Hertz, Esq.,
Attorney for the Child Jani Faith B.

-----X
Attorney for the subject child Jani Faith B. having moved on the child's behalf for leave to respond, as a poor person, to the appeal from an Order of Factfinding and Disposition of the Family Court, New York County, entered on or about December 21, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Julian A. Hertz, Esq., 15 Sherwood Drive, Larchmont, New York 10538, Telephone No. 914-834-5461, as counsel for purposes of responding to the appeal; (2) permitting

movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

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

-----X
Sutton Apartments Corporation,
Plaintiff-Appellant-Cross-Respondent,

-against-

M-4034
Index No. 104289/10

Joni Brooks, et al.,
Defendants-Respondents,

-and-

Bradhurst 100 Development LLC,
and Pennrose Properties, LLC,
Defendants-Respondents-Cross-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 25, 2012 (mot. seq. no. 007),

And defendants-respondents-cross-appellants having moved for to dismiss plaintiff's 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 dismissing plaintiff's appeal unless perfected on or before March 18, 2013 for the June 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

Accounting of Lawrence Kalik and Chase Manhattan Bank As Co-Trustees of

Louis Wagman Trust U/A Dated August 3, 1977 and as Amended in 1984 F/B/O Loretta Wagman.

M-3196
Surrogate's Court
File No. 1121/1986

- - - - -
Accounting of Carl Wagman as Co-Trustee of Continuing Trust of Louis Wagman Trust U/A dated August 3, 1977 and as Amended in 1984 F/B/O Loretta Wagman.

- - - - -
Supreme Court of the State of New York, County of New York

- - - - -
Loretta Wagman,
Plaintiff-Appellant,

Supreme Court
Index No. 107856/98
Case No. 19294

-against-

Lawrence Kalik, as Executor, Trustee, and individually, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Surrogate's Court, New York County, entered on or about January 2, 2009 and March 6, 2012, respectively,

And Trustee Carl Wagman having moved to consolidate the aforesaid appeals and for an enlargement of time in which to perfect same,

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 appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the March 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 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,
-against-

M-3961
Ind. No. 1778/11

Alex Haywood,

Defendant-Appellant.
-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 November 8, 2012.

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

-----X

Viola Carol,
Plaintiff-Respondent,

-against-

Madison Plaza Associates, LLC,
Defendants,

The Board of Directors of Madison
Plaza Apartment Corp.,
Defendant-Appellant.

- - - - -

Viola Carol,
Plaintiff-Respondent,

M-3048
Index No. 110992/10

-against-

Madison Plaza Associates, LLC,
Defendant-Appellant,

The Board of Directors of Madison
Plaza Apartment Corp.,
Defendant-Respondent.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 29, 2012 (Appeal Nos. 7772 and 7773),

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 November 8, 2012.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against-

M-3673
Ind. No. 370/08

Yusuf Malik Ashford,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 24, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard 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 **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

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-4057
Ind. No. 1826/2000

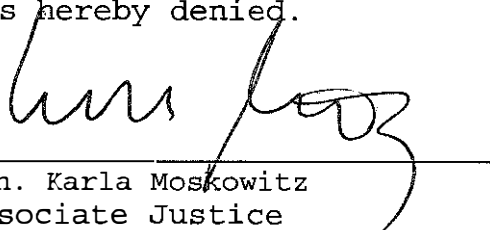
-against-

CERTIFICATE
DENYING LEAVE

William Allen

Defendant.
-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed 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 that 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 March 22, 2012, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated: 10/11, 2012
New York, New York

ENTERED:

NOV 08 2012

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-4305
Ind. No. 2081/2005

-against-

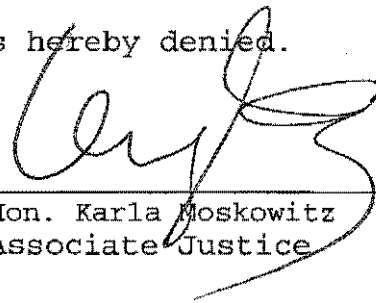
CERTIFICATE
DENYING LEAVE

Jovan Fludd

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed 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 that 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 July 5, 2012, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated: 10/10, 2012
New York, New York

NOV 08 2012
ENTERED:

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

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

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

M-3460
Docket Nos. 2000BX027284
99BX072946, 97BX064006,
99BX021992

-against-

Kingsley A. Simpson

CERTIFICATE
GRANTING LEAVE


Defendant-Appellant.

-----X
I, Sheila Abdus-Salaam, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that in the proceedings
herein questions of law or fact are involved which ought to be
reviewed by the Appellate Division, First Judicial Department, and,
pursuant to Section 460.15 of the Criminal Procedure Law, permission
is hereby granted to the above-named defendant to appeal to the
Appellate Division, First Judicial Department, from the orders of the
Supreme Court, Bronx County, entered on or about May 31, 2012, June
14, 2012 and June 29, 2012.¹

Dated: October 10, 2012
New York, New York

ENTERED

NOV 08 2012



Hon. Sheila Abdus-Salaam
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken,
and this certificate must be filed with the notice of appeal. An
appeal is taken by filing, in the Clerk's office of the criminal court
in which the order sought to be appealed was rendered, a written
notice in duplicate that appellant appeals to the Appellate Division,
First Judicial Department (Section 460.10, subd. 4, CPL), together
with proof that another copy of the notice of appeal has been served
upon opposing counsel. The appeal (or consolidated appeals; see
footnote) must be argued within 120 days from the date of the notice
of appeal, unless the time to perfect the appeal(s) is enlarged by the
court or a justice thereof.

¹ In the event defendant has an existing (direct) appeal from a
judgment, such appeal shall be consolidated with the appeal from the
aforesaid order; and any poor person relief granted with respect to
the appeal from the judgment shall be extended to cover the appeals so
consolidated.

PM ORDERS

ENTERED ON

NOVEMBER 08, 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 November 8, 2012.

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

-----X
Chelsea Piers L.P.,

Plaintiff-Respondent,

-against-

Hudson River Park Trust,

Defendant-Appellant.
-----X

M-4327X
Index No. 653143/11

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 19, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 14, 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 November 8, 2012.

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

-----X
Metro-North Commuter Railroad Company,
et al.,

Plaintiff-Respondent,

-against-

M-4354X
Index No. 403103/06

Empire City Subway Company (Limited),

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 18, 2012 (mot. seq. nos. 002, 003),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

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

-----X
Elizabeth Schnee,

Plaintiff-Respondent,

-against-

Jeremiah Schnee,

Defendant-Appellant.
-----X

M-4393X
Index No. 350544/97

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 17, 2012 (mot. seq. no. 011),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 20, 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 November 8, 2012.

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

-----X
Stephen M. Wilson, et al.,

Plaintiffs-Respondents,

-against-

M-4394X
Index No. 651737/11

Imagesat International N.V.,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 18, 2012,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

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

-----X
311 South Wacker Member LLC, on its own
and derivatively on behalf of 311 South
Wacker Venture LLC,

Plaintiff-Appellant,

M-4427X
Index No. 652129/10

-against-

F-S 311 Venture L.L.C., et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 29, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 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 November 8, 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-4750
Ind. No. 848/11

Barry Hicks,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 13, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated October 2, 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 November 8, 2012.

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

-----X

Stacey Curry,

Plaintiff-Appellant,

-against-

James Curry,

Defendant-Respondent.

-----X

M-4824X
Index No. 307029/11

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 27, 2012 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 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 November 8, 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-4331
Ind. No. 4702/00

Francisco Monsanto,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 18, 2011, **denying resentence**,

Now, upon reading and filing the stipulation of the parties hereto, dated September 14, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Judith J. Gische, Justices.

-----X

DLG Mortgage Capital, Inc.,
Plaintiff-Respondent,

-against-

George Kontogiannis, et al.,
Defendants-Appellants,

Thomas Kontogianni, et al.,
Defendants.

-----X

M-4599

M-4600

Index No. 104675/10

Plaintiff-respondent having moved to dismiss the appeals taken from orders of the Supreme Court, New York County, entered on or about November 16, 2011, December 1, 2011 (mot. seq. no. 049), December 2, 2011, December 6, 2011 and a judgment entered on or about December 9, 2011, respectively (M-4599),

And plaintiff-respondent having moved to dismiss the appeal from an order of the Supreme Court, New York County, entered on or about April 19, 2011 (M-4600),

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 to dismiss the appeals are granted unless the appeals are perfected for the March 2013 Term. Sua sponte, the time to perfect the appeals is enlarged to said Term (M-4599/M-4600).

ENTER:


CLERK

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

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

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 November 8, 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-4111
Ind. No. 1926/12

Albert Striegel, also known as
JD B-Brad,

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 July 11, 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 November 8, 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-4112
Ind. No. 5337/10

Dimitris Smith, also known as
Dimitrius Smith,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 25, 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

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

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

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 November 8, 2012.

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

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

Gloria C.,
Petitioner-Appellant,

M-3540
Docket No. O-18970/10

-against-

Josephine I.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 16, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall**

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

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

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 November 8, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-3984
Ind. No. 3949/10

Warren R. David, also known as
Terrence David,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

Ronald A. Hawkins,

Defendant.

M-4186
Ind. Nos. 3170/09
98/11

-----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 March 30, 2011, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Judith J. Gische, Justices.

-----X
Concord Capital Management, LLC,
et al.,
Plaintiffs-Appellants,

-against-

Bank of America, etc., et al.,
Defendants-Respondents,

Ira L. Brody,
Defendant.

M-4309
M-4554
Index No. 650478/10

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 5, 2011 (mot. seq. no. 002),

And plaintiffs-appellants having moved for an order taking judicial notice of certain documents annexed to the moving papers as Exhibits D and E (M-4309),

And defendants-respondents having cross-moved for an order taking judicial notice of a certain document annexed to their moving papers as Exhibit A (M-4554),

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 plaintiffs' motion is granted to the extent of directing plaintiffs to serve and file forthwith 9 copies of a supplemental appendix which shall contain the aforementioned documents annexed to their moving papers as Exhibits D and E (M-4309), and it is further

Ordered that defendants-respondents' cross motion is granted to the extent of directing defendants to serve and file forthwith 9 copies of a supplemental appendix which shall contain the aforementioned document annexed to their moving papers as Exhibit A (M-4554). The parties' attention is directed to 22NYCRR 600.11(b)(2).

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 November 8, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Judith J. Gische, Justices.

-----X
H. Brian Walker and Leonard A. Walker,
Petitioners-Respondents,

-against-

M-2845

Index No. 114718/10

Sandberg & Sikorski Corporation,
et al.,
Respondents-Appellants.

-----X

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

And petitioners-respondents having moved to enlarge the Record on Appeal to include certain documents annexed to the moving papers,

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 November 8, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. Catterson
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X

Kevin Pludeman, et al.,
Plaintiffs-Respondent,

-against-

M-3028
Index No. 101059/04

Northern Leasing Systems, Inc.,
Defendant-Appellant,

Jay Cohen, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 29, 2010, and said appeal having been heard and decided by a decision and order of this Court entered on September 15, 2011 (Appeal No. 4264),

And defendants-appellants having moved for a stay of enforcement proceedings with respect to a judgment of the Supreme Court, New York 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 denied as moot.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Judith J. Gische, Justices.

-----X
Ruomei Renee Cai,
Plaintiff,

-against-

M-4761
Index No. 309888/09

Victor Lau,
Defendant.
-----X

Defendant having moved for relief in the nature of a stay with respect to a certain judicial subpoena dated October 2, 2012,

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

Ordered that the motion is granted only to the extent of deeming the motion to be an application for relief in the nature of CPLR 5704 relief, and, as such, it is granted to the extent of staying enforcement of the challenged subpoena, without prejudice to, and pending hearing and determination of, the motion to quash the subpoena currently pending in Supreme Court, New York County, and 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 November 8, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x
Seth Fielding,

Plaintiff-Appellant,

-against-

M-4071
Index No. 113572/07

Stephanie Kupferman, et al.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about August 9, 2011,

Now, upon reading and filing the papers with respect to the motion, and the correspondence counsel for plaintiff-appellant dated September 25, 2012, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

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

-----X
Illuminado Pastoriza as Administrator
of the Estate of Maribel Pastoriza,
and Illuminado Pastoriza, Individually,
Plaintiff-Appellant,

-against-

M-3945
M-3944
Index No. 112211/07

The New York City Housing Authority,
and American Security Systems, Inc.,
Defendants-Respondents.

-----X
New York City Housing Authority,
Third-Party Plaintiff-Respondent,

-against-

Third Party
Index No. 591057/07

American Security Systems, Inc.,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 4, 2011 (mot. seq. no. 004),

And defendant-respondent/third-party defendant-respondent American Security Systems, Inc. having moved for dismissal of the aforesaid appeal, for failure to timely perfect (M-3945),

And defendant-respondent/third-party plaintiff-respondent New York City Housing Authority have cross moved for the same relief (M-3944),

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 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 November 8, 2012.

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

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

-against-

M-3913
Ind. No. 6035/01

Eric Poole,
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, entered on or about August 16, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record 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 November 8, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Jocelyn L., and
Jennice L.,

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

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

Elizabeth T.,
Respondent-Appellant,

M-3750
Docket Nos. NN-32158/10
NN-32159/10

Oscar N.,
Respondent-Appellant.

- - - - -
Laura Daly, Esq., Lawyers for
Children, Inc.,
Attorney for the Child Jocelyn L.,

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

-----X

Respondent-appellant mother Elizabeth T. having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact Finding of the Family Court, New York County, entered on or about February 9, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Anne Reiniger, Esq., 801 Second Avenue, 10th Fl., New York, New York 10017, Telephone No. (212) 972-5430, as counsel for purposes of prosecuting the aforesaid appeal, and responding to the appeal by respondent father Oscar N. from the Order of Disposition of the aforesaid court and judge entered on or about August 1, 2012 ; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4319, decided simultaneously herewith.)

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Jocelyn L., and
Jennice L.,

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

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

Elizabeth T.,
Respondent-Appellant,

M-4319
Docket Nos. NN-32158/10
NN-32159/10

Oscar N.,
Respondent-Appellant.

- - - - -
Laura Daly, Esq., Lawyers for
Children, Inc.,
Attorney for the Child Jocelyn L.,

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

-----X

Respondent-appellant father Oscar N. having moved for leave to prosecute, as a poor person, the appeal from an Order of Disposition of the Family Court, New York County, entered on or about August 1, 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, Michael S. Bromberg, Esq., 44 Hampton St., Sag Harbor, New York 11963, Telephone No. (631) 725-0641, as counsel for purposes of prosecuting the aforesaid appeal, and for the purposes of responding to the appeal by the respondent mother Elizabeth T. from the Order of Fact Finding of the same court and judge entered on or about February 9, 2012; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3750, decided simultaneously herewith.)

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

PRESENT - Hon: Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Rosaly H. Richter, Justices.

-----X
Dennis Ortiz, an infant under the age of fourteen years, by his mother and natural guardian, Loraine Ortiz, and Loraine Ortiz, individually,
Plaintiffs-Appellants,

-against-

M-4569
Index No. 28541/01

New York City Housing Authority,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 30, 2011, and said appeal having been perfected,

And defendant-respondent having moved to adjourn 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 adjourning the appeal to the January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Malco Realty Corp.,

Plaintiff-Appellant,

-against-

Westchester Condos, LLC,

Defendant-Respondent.
-----X

M-4607
Index No. 307211/10

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 November 23, 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 March 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

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

-----X
Elliott International L.P., et al.,
Plaintiffs-Respondents,

-against-

Vitro, S.A.B. de C.V., et al.,
Defendants,

Vimexico, S.A., de C.V., et al.,
Defendants-Appellants,

M-2752

M-2753

- - - - -
Aurelius Opportunities Fund IV, Ltd.,
Plaintiff-Respondent,

Index Nos. 652146/10
652223/10

-against-

Vitro, S.A.B. de C.V., et al.,
Defendants,

Vimexico, S.A., de C.V., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved by separate motions (M-2752/M-2753) 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 May 10, 2012 (Appeal Nos. 7596, 7597, 7598 and 7599),

Now, upon reading and filing the papers with respect to the motion, 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 November 8, 2012.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

Peter Voutsas,
Plaintiff-Appellant,

-against-

M-3796
Index No. 115389/10

Ralph H. Hochberg, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 23, 2011,

And plaintiff-appellant having moved for leave to file a supplemental record on appeal to include the affirmation of Dennis Kucica, Esq., dated August 13, 2012 and the documents attached to the motion papers as Exhibits C, D, E and F,

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

It is ordered that the motion is denied without prejudice to further proceedings in the 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 November 8, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

Red Zone LLC,

Plaintiff-Appellant,

-against-

M-4482

Index No. 650318/11

Cadwalader, Wickersham & Taft LLP,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 5, 2012,

And plaintiff-appellant having moved for leave to file and designate a certain portion of Volume III of the Record on Appeal as "**SEALED**",

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 designating, and directing the Clerk to file and maintain the entire Volume III of the Record on Appeal, as "**SEALED**".

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 November 8, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Lenin Garcia,
Plaintiff-Respondent-Appellant,

-against-

M-4766
Index No. 308573/08

Genue Estates, Inc., et al.,
Defendants-Appellants-Respondents,

Lew Bodak,
Defendant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 13, 2011, and the direct appeal having been perfected,

And defendants-appellants-respondents having moved to stay trial 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 November 8, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Nelson S. Román, Justices.

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

Ruth L.,
Petitioner-Respondent,

-against-

M-4219
Docket No. V-17772/07

Robert Edward Z.,
Respondent,

Clemese Theresa J.,
Respondent-Appellant.

-----X

An appeal having been taken to this Court from the Order of Custody and Visitation of the Family Court, Bronx County, entered on or about June 27, 2011, and said appeal having been perfected,

And petitioner-respondent having moved for leave to respond to the appeal as a poor person, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, New York 11598, Telephone No. 516-994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X
Stephen Sicilia,
Plaintiff,

-against-

M-3901
Index No. 103443/03

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

JB Electric LLC,
Defendant-Appellant.

-----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 May 3, 2011,

And an order of this Court having been entered on December 1, 2011 (M-3874) referring the matter to the Office of Referees, Supreme Court, New York County, for a Traverse Hearing,

And an order of this Court having been entered on July 24, 2012 (M-2823/M-2569), inter alia, confirming the Traverse Hearing decision and report so ordered April 25, 2012, and dismissing the appeal as untimely taken,

And defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the order of this Court entered on July 24, 2012 (M-2823/M-2569),

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 November 8, 2012.

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

-----X
Mt. Hawley Insurance Co., et al.,
Plaintiffs-Appellants,

-against-

M-4236
Index No. 113115/08

United Staffing Systems Inc.,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 28, 2011, for failure to timely perfect,

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 November 8, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.

Noalia Altagracia B.,

Petitioner-Appellant,

M-3604
Docket No. O-9516-12/12A

-against-

Deivys Narciso B.,

Respondent-Respondent.
-----X

Petitioner having moved for leave to prosecute, as a poor person, to the appeal from the Order of Fact Finding of the Family Court, Bronx County, entered on or about June 21, 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 denied, with leave to renew upon submission of the copy of the order appealed dated June 21, 2012.

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 November 8, 2012.

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

-----X
In the Matter of the Application of
Nicole Clemons,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3737
Index No. 402649/11

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about July 10, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

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

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

George N.,
Petitioner-Appellant,

M-3934
Docket No. O-3000/11

-against-

Crystal N. and George W., Jr.,
Respondents-Respondents.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

George W., Jr.,
Petitioner-Appellant,

Docket No. O-2954/11

-against-

George N.,
Respondent-Respondent.

-----X

Petitioner-appellant/respondent-respondent George N. having moved for reargument of the decision and order of this Court entered on March 1, 2012 (M-5378/M-5615), and for other relief,

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

It is ordered that the motion is denied.

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 November 8, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
John Cassidy,
Plaintiff-Appellant,

-against-

M-3852
Index No. 305163/09

Leonard H. Hawkins, Post No. 156,
The American Legion, Department of
New York,
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 October 13, 2011, for failure to timely perfect,

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 November 8, 2012.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x
In the Matter of the Application for
the Stay of Arbitration of
Interboro Insurance Company,

Petitioner-Respondent,

-against-

Doreatha Amartey,

Respondent-Appellant.
-----x

M-3711
Index No. 260579/10

Petitioner-respondent having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about June 17, 2011, for failure to timely prosecute,

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 submission of proof of service upon respondent's appellate counsel.

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 November 8, 2012.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against-

M-3911
Ind. No. 9046/96

Daryl Madison,
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, entered on or about August 7, 2012, **denying resentence**, 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 November 8, 2012.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against-

M-3930
Ind. No. 624/11

Vladimir Matos,
Defendant-Appellant.

-----X

Defendant having moved, pro se and through pro bono counsel, for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 11, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

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

Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Roselyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Akhtar Ali Sheikh,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3870
Index No. 400197/12

New York City Taxi and Limousine
Commission,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about June 18, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 8, 2012.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

Kevin McK.,
Petitioner-Respondent,

-against-

M-3456
Docket Nos. V-1438/08
V-15245/07

Elizabeth A. E.,
Respondent-Appellant.

Colleen Samuels, Esq.,
Attorney for the Child.

-----X
Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from a Final Order of Custody and Visitation of the Family Court, New York County, entered on or about April 10, 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 denied with leave to renew upon submission of a notarized affidavit by respondent setting forth the amount and sources of his income, his financial relationship, if any, with New York Bulletin, Inc., and listing his property with its value, and annexing respondent's income tax returns for the years 2010 and 2011.

ENTER:


CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-4365
Ind. No. 323/1982

-against-

CERTIFICATE
DENYING LEAVE

William Ortiz,

Defendant.

-----X
Defendant, pro se, moves pursuant to CPL 460.30 subd. 1 for an enlargement of time in which to seek a certificate granting leave to appeal to the Appellate Division pursuant to Criminal Procedure Law, sections 450.15 and 460.15(1) with respect to the order of the Supreme Court, Bronx County, dated April 13, 2012, which denied defendant's application pursuant to CPL 440.10 to vacate a judgment rendered by said Court.

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is ordered that defendant's motion is hereby denied.



Associate Justice

Dated: October 10, 2012
New York, New York

ENTERED: **NOV 08 2012**

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

BEFORE: Hon. James M. Catterson
Justice of the Appellate Division

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

M-4583
Ind. No. 2404/2006

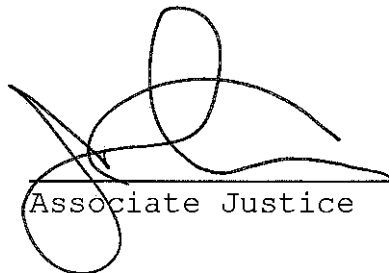
-against-

CERTIFICATE
DENYING LEAVE

Rodney McNeil, a/k/a Rodney McNeill,
a/k/a Rodney McNeal,
Defendant.

-----X

I, James M. Catterson, 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 decision and order of the Supreme Court, New York County, dated May 25, 2012, is hereby denied.



Associate Justice

Dated: October 22, 2012
New York, New York

ENTERED: **NOV 08 2012**

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

BEFORE: Hon. James M. Catterson
Justice of the Appellate Division

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

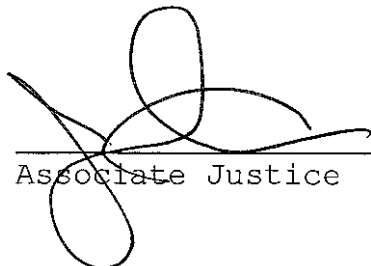
M-2579
Ind. No. 4349/05

-against-

CERTIFICATE
DENYING LEAVE

Austen Ugweches,
Defendant.
-----X

I, James M. Catterson, 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 decision and order of the Supreme Court, New York County, dated May 7, 2012, is hereby denied. So much of the motion which seeks time to enlarge the appeal, poor person relief, and consolidation with pending direct appeal is denied as academic.



Associate Justice

Dated: October 22, 2012
New York, New York

ENTERED: **NOV 08 2012**

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M - 3855
Ind. No. 2294/05

-against-

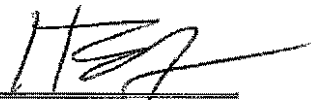
CERTIFICATE
DENYING LEAVE

MALE SUNTER,

Defendant.

-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 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 April 2, 2012 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: September 5, 2012
New York, New York

ENTERED: NOV 08 2012

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-3213
Ind. No. 2908/90

-against-

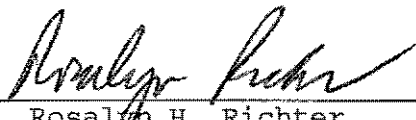
CERTIFICATE
GRANTING LEAVE

Eladio Lantigua,
Defendant-Appellant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about February 28, 2012.¹

Dated: October 19, 2012
New York, New York



Hon. Rosalyn H. Richter
Associate Justice

ENTERED NOV 08 2012

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-3500
Docket No. 2002BX013083

-against-

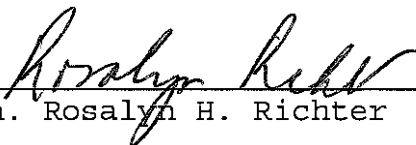
CERTIFICATE
DENYING LEAVE

Jamie Flores, a/k/a Jaime Flores,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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 February 28, 2012, is hereby denied.



Hon. Rosalyn H. Richter

Dated: October 19, 2012
New York, New York

ENTERED: **NOV 08 2012**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-4287
Ind. No. 5452/98

-against-

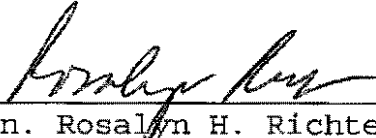
CERTIFICATE
DENYING LEAVE

Khalil Danielson,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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 May 8, 2012, is hereby denied.



Hon. Rosalyn H. Richter

Dated: October 19, 2012
New York, New York

ENTERED: **NOV 08 2012**