

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 13, 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-2662
Ind. No. 1600/02

Quantrell Jones,

Defendant-Appellant.
-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about March 19, 2008 and May 19, 2010, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated September 25, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 13, 2012.

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

-----X
MD Sass Investors Services, Inc.,
Plaintiff-Respondent,

-against-

M-4429X
Index No. 651633/11

Robert T. Symington, et al.,
Defendants,

Marc S. Kirschner,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 17, 2012,

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 13, 2012.

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

-----X
Mitchell Kupfer,
Plaintiff-Appellant-Respondent,

-against-

Samuel Kupfer,
Defendant,

M-4480X
Index No. 100075/10

-and-

Seward Park Housing Corporation,
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 23, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 25, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

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

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

-----X

Carlos Corona,
Plaintiff-Respondent,

-against-

M-4439

L.A.L. Grand Concourse Management
Company, LLC,
Defendant-Respondent,

Index No. 301256/08

-and-

Citi Limits Group, Inc.,
Defendant,

L.A.L. Property Management Corp.,
Defendant-Respondent.

- - - - -

L.A.L. Grand Concourse Management
Company, LLC,
Third-Party Plaintiff-Respondent,

-against-

Index No. 84284/08

Frank Miceli Jr. Contracting, Inc.,
Third-Party Defendant-Appellant.

- - - - -

[And another action]

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about July 12, 2011 and January 11, 2012, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated September 11, 2012, and due deliberation having been had thereon,

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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

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 13, 2012.

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

-----X
Carlos Corona,

Plaintiff-Respondent-Appellant,

-against-

M-4438
Index No. 301256/08

L.A.L. Grand Concourse Management
Company, LLC, City Limits Group, Inc.,

Defendants-Respondents-Appellants,

-and-

L.A.L. Property Management Corp.,

Defendant-Appellant-Respondent.

-----X
L.A.L. Grand Concourse Management
Company, LLC,

Third-Party Defendant-Respondent,

-against-

Third Party
Index No. 84284/08

Frank Miceli Jr. Contracting, Inc.,

Third-Party/Defendant
Respondent-Appellant.

-----X

-----X
L.A.L. Grand Concourse Management
Company, LLC,

Second Third-Party Plaintiff-
Respondent-Appellant,

-against-

Special Trades Contracting and
Construction Trust, John Collis, As
Trustee, Frank Rotondo, As Trustee,
Al Nemmer, As Trustee, USA TPA, Inc.,
New York Compensation Managers, Inc.,
MPR-FINTRA, Inc.,

Second Third-Party
Index No. 301256/08

Second Third-Party Defendants,

Frank Miceli Jr. Contracting, Inc.,

Second Third-Party/Defendant-
Respondent-Appellant,

-and-

L.A.L. Property Management Corp.,

Second Third-Party
Defendant-Appellant-Respondent.

-----X

Appeals and cross appeals having been taken from the
order of the Supreme Court, Bronx County, entered on or about
December 1, 2011,

Now, upon reading and filing the stipulation of the
parties hereto, dated September 5, 2012, and due deliberation
having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in L.A.L. Grand Concourse Management Company, LLC, November 13, 2012.

Second Third-Party Defendant-Appellant, Angela M. Mazzarelli -as Richard T. Andrias David B. Saxe, Special Trades Contracting and Construction Trust, John Collis, As Trustee, Frank Rotondo, As Trustee, X Ar Newm Corp As, Trustee, USA TPA, Inc., New York Compensation Managers, Inc., MPR & INTRA, Respondent-Appellant,

Presiding Justice,

Justices.

Second Third-Party Index No. 301256/08

Second Third-Party Defendants,

M-4438 Index No. 301256/08

Frank M. Grand Concourse Management, Company, LLC, City Limits Group, Inc., Second Third-Party/Defendant-Defendant-Appellant-Appellants,

-and-

L.A.L. Property Management Corp.,

Defendant-Appellant-Respondent. Defendant-Appellant-Respondent. L.A.L. Grand Concourse Management Company, LLC,

Appeals and cross appeals having been taken from the Third Party Defendant Respondent County, entered on or about December 1, 2011,

-against- Third Party Index No. 84284/08

Now, upon reading and filing the stipulation of the Frank Mihelich, dated September 5, 2012, and due deliberation having been had thereon,

Third-Party/Defendant

Respondent is Appellant that the appeals and cross appeals, previously-perfected-for-the-October-2012 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:

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 13, 2012.

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

-----X
James Prestigiacomo and Cynthia
Prestigiacomo,
Plaintiffs,

-against-

M-4620
Index No. 102979/09

Shorenstein Realty Services East
LLC and SRI SIX 125 Park LLC,
Defendants.

-----X
Shorenstein Realty Services East,
initially sued herein as Shorenstein
Company LLC and SRI SIX 125 Park LLC,
Third-Party Plaintiffs-Respondents,

Third Party
Index No. 590453/09

-against-

Able Engineering Services, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 25, 2011 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated September 28, 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 13, 2012.

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

-----X
M. Scott Laine,
Plaintiff-Appellant,

-against-

M-4585
Index No. 600386/10

Katherine Pride, Individually
and as the Executrix of the
Estate of Arthur Richard Ely,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 22, 2011,

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

It is ordered that the appeal, previously perfected for the November 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 13, 2012.

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

-----X
New York Community Bank successor by
merger to The Roslyn Savings Bank,
Plaintiff,

-against-

M-4213
Index No. 653119/12

Splendid Realty LLC,
Defendant.

-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about September 10, 2012,

Now, upon reading and filing the papers with respect to the motion and the stipulation between the parties dated September 25, 2012, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

CORRECTED ORDER – December 3, 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 13, 2012.

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

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

-against-

M-4105
Ind. No. 7256/00

**Rondell Perkins, also known as
Rondelle Perkins,**
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of **resentence** of the Supreme Court, New York County, entered on or about April 26, 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 13, 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-4118
Ind. No. 8230/99

Terence P. Wells,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the orders of **resentence** of the Supreme Court, New York County, entered on or about July 24, 2012 and July 26, 2012, respectively, 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

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

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

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

-against-

M-4251
Ind. No. 9252/98

Mark Green,
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 June 26, 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.

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 13, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Richard T. Fitzsimmons, et al.,
Plaintiffs-Respondents,

-against-

M-3876
Index No. 651360/10

Pryor Cashman LLP, et al.,
Defendants-Appellants.
-----X

An order of this Court having been entered on July 31, 2012 (M-1481/M-1866), denying defendants-appellants' motion for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 15, 2012 (Appeal No. 6072), and denying plaintiffs-respondents' cross motion for the imposition of costs and attorneys fees, with leave to renew, as indicated,

And plaintiffs-respondents having renewed their application for the imposition of costs and attorneys fees for frivolous conduct pursuant to 22 NYCRR 130-1.1 of the Rules of the Chief Administrator,

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 defendants-appellants are directed to pay to plaintiffs-respondents the sum of \$21,270.38 representing the attorneys fees and costs incurred by them in opposition to the motion (M-1481) for leave to appeal to the Court of Appeals. The motion by defendants-appellants for leave to appeal to the Court of Appeals was their second motion seeking identical relief, and insofar as the denial of the first motion made it clear that their arguments were without merit and unavailing, the second motion, raising substantially identical arguments, was therefore completely without merit in law, could not be supported by a reasonable argument for an extension, modification or reversal of existing law, and was thus frivolous.

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 13, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David Friedman
Nelson S. Román, Justices.

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

-against-

M-3787
Ind. No. 2763/01

Trevis Funches, also known as
Trevis L. Funches, Sr.,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 19, 2004 (Appeal No. 2891), unanimously affirming a judgment of the Supreme Court, New York County (Charles Tejada, J.), rendered on April 29, 2002,

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 13, 2012.

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

-----X
United Healthcare Insurance Company,
Petitioner-Respondent,

-against-

M-4361
Index No. 105236/11

Anthony Azar, Temporary Administrator
of the Estate of Cynthia Wu, M.D.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York 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 13, 2012.

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

-----X
Erik Gutheil,
Plaintiff-Respondent-Appellant,

-against-

M-4588
M-4703
Index No. 106295/05

Consolidated Edison of New York
Company, Inc.,
Defendant-Respondent,

Nico Asphalt Paving Inc.,
Defendant-Appellant-Respondent,

The City of New York, et al.,
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 27, 2011 (mot. seq. no. 009), and the direct appeal having been perfected,

And plaintiff-respondent-appellant, Erik Gutheil, having moved for an enlargement of time to perfect his cross appeal (M-4588),

And defendant-appellant-respondent, Nico Asphalt Paving Inc., having cross-moved to stay all proceedings pending hearing and determination of their appeal (M-4703),

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 is granted to the extent of adjourning the perfected appeal to the February 2013 Term (M-4588). The parties attention is directed to 22 NYCRR § 600.11(d) with respect to a joint record and costs thereof. The cross motion to stay all proceedings is granted (M-4703).

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 13, 2012.

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

-----X

Agora Solutions Corp. and
Mybillingservices, Inc.,

Plaintiffs-Respondents,

-against-

M-4702
Index No. 652049/12

The Billing Resources, LLC,
et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, entered on or about September 19, 2012 and October 1, 2012, respectively,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated October 5, 2012, is hereby 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 13, 2012.

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

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

-against-

M-4358
Ind. No. 3778/10

Ted Johnson,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on March 1, 2012 (Appeal No. 6972),

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 13, 2012.

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

-----X
Benjamin L. Anderson, a shareholder
of Livonis, Avon & Lakeville
Railroad Corporation,
Plaintiff-Appellant,

-against-

Carl P. Belke, et al.,
Defendants-Respondents.

M-3658
Index No. 600126/09
602210/08

Benjamin L. Anderson, a shareholder
of Livonis, Avon & Lakeville
Railroad Corporation,
Plaintiff-Appellant,

-against-

Eugene H. Blabey II, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument/renewal of the decision and order of this Court entered on June 22, 2010 (Appeal No. 3128N and 3128NA),

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 13, 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-4307
Ind. No. 44560C/05

Lawrence Perez,

Defendant-Appellant.
-----x

Defendant-appellant having moved, through retained counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2008, or 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 enlarging the time to perfect the appeal to the March 2013 Term, and the motion is otherwise denied.

ENTER:


CLERK

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

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

-----X
Platinum Value Arbitrage Fund LP,
Plaintiff-Appellant,

-against-

M-4606
Index No. 105508/10

Kroll Associates, Inc. and Kroll,
Inc.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 5, 2011, and said appeal having been perfected,

And defendants-respondents having moved for an order permitting them to supplement the record on appeal to include certain memoranda of law dated June 30, 2010 and July 12, 2010 and a reply memorandum of law dated July 16, 2010,

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

Ordered that the motion is granted to the extent of permitting petitioner to file forthwith 9 copies of the supplemental record submitted as Exhibit A to defendants-respondents motion in this Court. Defendants-respondents attention is directed to 22 NYCRR 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 13, 2012.

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

-----X
Michael Hunt,
Plaintiff-Appellant,

-against-

M-4389
Index No. 109654/09

Frank Battaglia,
Defendant,

Angelique Hernandez and Marybeth Gach,
Defendants-Respondents.
-----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 November 14, 2011 (mot. seq. no. 002),

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

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

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

-----X
Anne Renteria, and Luiz De Azevedo,
Plaintiffs-Respondents,

-against-

M-4574
Index No. 101110/09

Oleg Yuryevich Simakov, Patty Taxi
Corp. and Libarado Daza,
Defendants-Appellants.

-----X

Defendants-appellants 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 December 14, 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 13, 2012.

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

-----X
Juan Vargas,
Plaintff-Respondent,

-against-

Peter Scalamandre & Sons, Inc.,
Defendant-Respondent-Appellant,

RAD & D'Aprile Construction Corp.,
Defendant-Appellant-Respondent,

M-4266
Index No. 302608/08

Ferrara Bros. Building Material
Corp., Total Safety Consulting,
L.L.C., AB Green Gansevoort, LLC.,
Interstate Industrial, Inc., and
Interstate Industrial Corp.,
Defendants.

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

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 1, 2011, and said appeal having been perfected,

And defendant-appellant RAD & D'Aprile Construction Corp. having moved for a stay of trial pending hearing and determination of aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


CLERK

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

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

-----X

Kimberly Klein,

Plaintiff-Respondent,

-against-

M-4455

Index No. 308019/12

David Klein,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2012,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


CLERK

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

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

-----X

Jerry Eaderesto,
Plaintiff-Respondent,

-against-

M-4577

Index No. 104954/08

22 Leroy Owners Corp., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 21, 2012 (mot. seq. no. 002), and said appeal having been perfected,

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

It is ordered that the motion is 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 13, 2012.

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

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

-against-

M-4592
Ind. No. 2503/10

James S. Margulies,
Defendant-Appellant.

-----X

Separate appeals having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 9, 2011, and from an order of the same Court and Justice entered on or about September 26, 2011, respectively,

And defendant-appellant having moved for a an enlargement of time to perfect the aforesaid appeals,

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

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

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

-----X
Tatania Cheeks,
Plaintiff-Respondent,

-against-

M-4404
Index No. 21962/99

The City of New York,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about December 22, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time 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 13, 2012.

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

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

-against-

M-4372
Ind. No. 202/09

Joseph Garcia,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about January 20, 2010, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before January 28, 2013 for the April 2013 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

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

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

-----X
All American Moving and Storage, Inc.,
et al.,
Plaintiffs,

-against-

W. Reilly Andrews, et al.,
Defendants.

(And other actions)

Jerome Ackerman, et al.,
Plaintiffs-Respondents,

-against-

D'Agostino Supermarkets, Inc, et al.,
Defendants-Respondents,

Allstate Sprinkler Corp.,
Defendant-Appellant,

New York Marine and General Insurance
Company,
Defendant-Respondent.

M-3638
Index Nos. 21995/05
21398/06
340006/08
340008/08
303293/08
303185/08
86167/06
86168/06
67761/07
308925/08

-----X

Defendant-appellant Allstate Sprinkler Corp. having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 28, 2012 (Appeal No. 7100),

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 13, 2012.

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

-----X
Bank of New York, as Trustee for the
Certificateholders of CWALT 2005-38,
Plaintiff-Respondent,

-against-

M-4721
Index No. 116822/06

Jonathan M. Hunt, also known as
Jonathan McIndoe Hunt, Executor of
the Estate of Lavina Nihoul Lounsbury,
et al.,
Defendants-Respondents,

Paul C. Lounsbury, also known as
Paul Craig Lounsbury, heir to the
Estate of Lavina Nihoul Lounsbury,
also known as Lavina Lounsbury,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 22, 2012 denying defendant-appellant's motion for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 23, 2010 and granting plaintiff-respondent Bank of New York's cross motion to the extent of dismissing said appeal (M-1443/M-1642),

And an order of this Court having been entered on September 4, 2012 (M-3052) denying defendant's motion to vacate the aforesaid order of this Court entered on May 22, 2012 (M-1442/M-1642),

And defendant-appellant having moved to stay the sale of a certain condo 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 13, 2012.

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

-----X
Calogero Candela, et al.,
Plaintiffs-Appellants,

-against-

M-4006
Index No. 117686/00

New York City School Construction
Authority, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 31, 2012 (Appeal No. 7522),

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 13, 2012.

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

-----x
Admiral Insurance Company,
Plaintiff-Appellant-Respondent,

-against-

American Empire Surplus Lines
Insurance Company,
Defendant-Respondent-Appellant,

M-3378

Index No. 600848/09

Scottsdale Insurance Company,
Defendant-Respondent.

-----x

Defendant-respondent Scottsdale Insurance Company having moved for reargument of the decision and order of this Court entered July 21, 2012 (Appeal Nos. 5363-64),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 24, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

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

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

-----x
Louise Cassetta,

Plaintiff-Respondent,

-against-

M-4193

Index No. 300627/07

Petroleum Rays, Inc., et al.,

Defendants-Appellants.
-----x

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about September 10, 2012,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated September 20, 2012 from the Law Offices of Steven G. Fauth, LLC (Gregory Day, of counsel), counsel for defendants-appellants, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

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

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

M-4194
Ind. No. 30959C/10

Chantal Johnson,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, rendered on or about May 16, 2012,

And an order of a Justice of this Court having been entered on June 1, 2012, granting a stay of execution of sentence pending hearing and determination of the aforesaid appeal, as indicated,

And defendant-appellant having moved for the continuation of the stay of execution of sentence,

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, the stay of execution of sentence granted by order of a Justice of this Court on June 1, 2012 is continued upon the same terms and conditions, and upon the condition the appeal is perfected for 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 13, 2012.

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

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

-against-

M-3948
Ind. No. 953/08

Robert Harris,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on August 7, 2012 (Appeal No. 7906),

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 13, 2012.

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

-----x

COR-IBS, Inc.,

Plaintiff-Respondent,

-against-

M-4279

Index No. 114362/10

Portfolio Analysis System, Inc.,

Defendant-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 9, 2012, and said appeal having been perfected,

And plaintiff-respondent having moved for leave to file a supplemental record on appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for plaintiff-respondent dated September 17, 2012, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 13, 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-3054
Ind. No. 9208/98

Teofilo Lopez, also known as
Garcia Lopez T.,
Defendant-Appellant.

-----x

An order of this Court having been entered on October 14, 2010 (M-4062), granting defendant 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 July 19, 2010, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the order of assignment to include the judgment of said Court entered on or about July 27, 1999, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 3, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

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

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

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

-against-

Moses Ervine,
Defendant-Appellant.

M-3937
M-3115
Ind. Nos. 2086/06
25904C/06

-----X

Defendant pro se and through retained counsel, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 10, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (M-3937),

And defendant pro se having moved for the aforesaid relief, and for the assignment of counsel to prosecute the appeal (M-3115),

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 (M-3937) 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. The pro se motion by defendant-appellant (M-3115) is denied, accordingly.

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 13, 2012.

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

-----X
Abuwi M. Waheed,

Plaintiff-Appellant,

M-3723

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

Index No. 400111/12

-against-

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

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the purported appeal from the order of the Supreme Court, New York County, entered on or about July 25, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect said appeal, and for related relief,

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

It is ordered that, sua sponte, the purported appeal is dismissed as taken from an unappealable order, and the motion is denied as academic.

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 13, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-4370
Ind. No. 3427/06

Robert Symonds,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 17, 2009, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before January 28, 2013 for the April 2013 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

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

BEFORE: Hon. **Angela M. Mazzarelli**,
Justice of the Appellate Division

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

M-2606
Ind. No. 470/06

-against-

CERTIFICATE
GRANTING LEAVE

Mesias Pina,
Defendant-Appellant.

-----X

I, Angela M. Mazzarelli, 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 April 30, 2012.

Dated: *November 8*, 2012
New York, New York



Hon. Angela M. Mazzarelli
Associate Justice

ENTERED

NOV 13 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.

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-4078
Ind. No. 221/2009

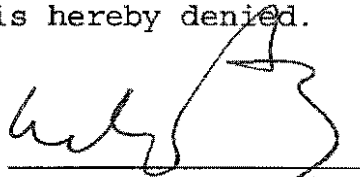
-against-

CERTIFICATE
DENYING LEAVE

Shelton R. Beaman

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 May 31, 2012, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated: , 2012
New York, New York

ENTERED: **NOV 13 2012**

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

BEFORE: Hon. Leland G. DeGrasse
Associate Justice of the Appellate Division

-----X
AnOnymous,

Plaintiff-Respondent,

-against-

M-4397

Index No. 314860/11

Anonymous,

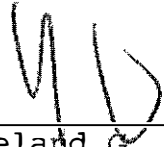
Defendant-Appellant.

-----X

Defendant having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about August 23, 2012, 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 to the extent leave to appeal is sought is denied. The motion is otherwise denied as academic.



Hon. Leland G. DeGrasse
Associate Justice

Dated: October 24, 2012
New York, New York

Entered: **NOV 13 2012**

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 4597
Ind. No. 45320C/05

-against-


CERTIFICATE
DENYING LEAVE

Eric Martin,

Defendant.

-----X

I, Rolando T. Acosta, 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 orders of the Supreme Court, Bronx County, entered on or about May 7, 2012, is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: October 24, 2012
New York, New York

ENTERED: **NOV 13 2012**