

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 October 16, 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 Pursuant to Article 8  
of the Family Court Act.

-----  
Gerald H., M-3570  
Petitioner-Appellant, Docket No. O-10804/10

-against-

Beverly H.,  
Respondent-Respondent.  
-----X

Respondent-respondent having moved for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about February 1, 2011,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2012.

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

-----X

Robert Nowinski,

Plaintiff-Respondent,

-against-

Cinthia Menutole Nowinski,

Defendant-Appellant.

-----X

**M-3584**

Index No. 301804/08

Plaintiff-respondent having moved for dismissal of the appeal deemed to have been taken from the judgment of the Supreme Court, New York County, entered on or about August 24, 2011 (see M-5179 entered January 5, 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 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 October 16, 2012.

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

-----X  
Veronica A. Mayes,

Plaintiff-Appellant,

**M-3425**

**M-3874**

-against-

Index No. 304996/08

Ely Building LLC and EMF Contracting,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 8, 2011,

And defendants-respondents having moved to dismiss the aforesaid appeal (M-3425),

And plaintiff-appellant having cross-moved to enlarge the time to perfect the aforesaid appeal, and for related relief (M-3874),

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

It is ordered that defendants-respondents' motion is granted and the appeal is dismissed (M-3425). Plaintiff's cross motion is denied (M-3874).

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 October 16, 2012.

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

-----X  
In the Matter of

I-Majestic A. and I-Conscious R.,

Dependent Children under 18 Years  
of Age Alleged to be Abused and/or  
Neglected Under Article 10 of the  
Family Court Act.

M-4150  
Docket Nos. NA-13207-8/08

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

George S., also known as Sun A.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq.,  
Attorney for the Children.

-----X

Consolidated appeals having been taken from an order of the Family Court, New York County, entered on or about October 22, 2009, and from two orders of said Family Court both entered on or about March 19, 2010, respectively,

And respondent-appellant having moved for an enlargement of time to perfect the aforesaid consolidated 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 consolidated appeals 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 October 16, 2012.

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

-----X  
Jose Flores,

Plaintiff-Appellant,

-against-

M-4003

M-4297

Index No. 305817/09

R.A. Jiminez-Monzon, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 20, 2011 (M-4003),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal for failure to timely perfect (M-4297),

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 enlarging the time to perfect the appeal to the February 2013 Term. The cross motion to dismiss the appeal is granted unless perfected for said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent(s) serve a copy of this order upon appellant 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 October 16, 2012.

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

-----X  
Wei Xu,  
Plaintiff-Appellant,

-against-

M-3454  
Index No. 350205/06

Fangruo Chen,  
Defendant-Respondent.

-----X

Purported appeals having been taken from various judgments and orders including, but not limited to, a judgment of the Supreme Court, New York County, entered on or about July 19, 2011, and an order of said Court and Justice entered on or about March 25, 2011,

And plaintiff-appellant having moved for various forms of relief, including relief in the nature of an appellate injunction, 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 in its entirety.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2012.

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

-----X  
Liberty Square Realty Corp.,  
Plaintiff-Appellant,

-against-

M-3848  
Index No. 302595/11

The Doe Fund, Inc., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction with respect to a certain fence located on a parcel of real property located at 513 E. 161<sup>st</sup> Street, Bronx, New York, pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 7, 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 October 16, 2012.

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

-----x  
Wells Fargo Bank, N.A., a National  
Banking Association, as successor by  
Merger to Wachovia Bank, N.A., a  
National Banking Association,  
Plaintiff,

-against-

Richard Finkelstein, an Individual, and  
Kenneth M. Endelson, an Individual,  
Defendants.

M-2842  
Index No. 114087/11

- - - - -  
National Family Opportunity Fund II,  
LLP,  
Non-Party Movant/  
Assignee to Plaintiff,

Boyar Asset Management, Inc.,  
Non-Party Respondent.

-----x  
Non-party movant/assignee having moved, pursuant to CPLR  
5704, for affirmative relief denied by a Justice of the Supreme  
Court, New York County, on June 6, 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 October 16, 2012.

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

-----X  
The People of the State of New York,  
etc.,  
Plaintiff-Appellant,

-against-

M-3977  
Index No. 453388/09

Charles Schwab & Co., Inc.,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 31, 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 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 October 16, 2012.

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

-----X  
Noel Abraham Rose, as Executor of  
the Estate of Hermaine Browne,  
Plaintiff-Appellant,

-against-

M-3986  
Index No. 27430/02

Dr. Salvatore Conte, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 26, 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 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 October 16, 2012.

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

-----x

Tzvee Wood, as Executor of the Estate  
of Austin Wood,  
Plaintiff-Appellant,

M-4262  
Index No. 119109/06

-against-

NYU Hospitals Center, 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 October 24, 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 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 October 16, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Richard T. Andrias  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----x  
Philip Ralph Belpasso,

Plaintiff-Appellant,

-against-

M-4292  
Index No. 100363/11

The Port Authority of New York and  
New Jersey,

Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 8, 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 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 October 16, 2012.

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

-----x  
Inessa Cafarella, etc., et al.,  
Plaintiffs-Respondents,

-against-

2180 Realty Corp.,  
Defendant-Appellant,

M-4295  
Index No. 350300/10

Igor Edelman, etc.,  
Defendant,

-and-

J.L.F. Home Improvement, Inc.,  
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 21, 2012, and said appeal having been perfected,

And plaintiffs-respondents having moved for an order striking the respondent brief of J.L.F. Home Improvement, Inc., or for alternative relief,

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

It is ordered that the motion is denied, without prejudice to raising substantive arguments 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 October 16, 2012.

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

-----x  
Ann Jennings-Purnell, M.D.,  
Plaintiff-Appellant,

-against-

M-3865  
Index No. 110344/06

Eric C. Jennings, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiff from the judgment of the Supreme Court, New York County, entered on or about February 7, 2012, and from the order of said Court entered on or about April 18, 2012, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment entered on or about February 7, 2012, for consolidation of the aforesaid appeals, 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 appellant to prosecute the aforesaid appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The time to perfect the consolidated appeals is enlarged 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 October 16, 2012.

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

-----X  
In the Matter of the Application for  
the Custody and Guardianship of

Alliyah C., also known as  
Alliyah Cachita Ashanti  
Yuli Irene C.;  
Octavia C., also known as  
Octavia Adelita Cataye'  
Yodanka Che-Che C.; and  
Za'Myiah C., also known as  
Za'Myiah Noemis Anini  
Vivi C.,

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

M-3313  
Docket Nos. B-25726/07  
B-25727/07  
B-25728/07

- - - - -  
St. Vincent's Services, Inc.,  
et al.,  
Petitioners-Respondents,

Colleen C., also known as Colleen  
Veronica C., also known as Colleen P.,  
Respondent-Appellant,

Santiago C., also known as  
Santiago G. C.,  
Respondent-Appellant.

- - - - -  
Kenneth Walsh, Esq.,  
Attorney for the Subject Child  
Alliyah C.,

Indhu Bessim, Esq.,  
Attorney for the Subject Children  
Octavia C. and Za'Myiah C.

-----X

Appeals having been taken to this Court by respondent-mother Colleen C. from orders of the Family Court, Bronx County, entered on or about May 7, 2012,

And a separate appeal having been taken to this Court by respondent-father Santiago C. from the aforesaid orders entered on or about May 7, 2012,

And respondent-appellant mother having moved for leave to prosecute her appeals as a poor person, 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, Patricia Jellen, Esq., 245 Park Drive, Eastchester, NY 10709, Telephone No. 914-793-7534, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3314 and M-3759, decided simultaneously herewith.)

ENTER:



CLERK

---

<sup>1</sup>Service 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 October 16, 2012.

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

-----X  
In the Matter of the Application for  
the Custody and Guardianship of

Alliyah C., also known as  
Alliyah Cachita Ashanti  
Yuli Irene C.;  
Octavia C., also known as  
Octavia Adelita Cataye'  
Yodanka Che-Che C.; and  
Za'Myiah C., also known as  
Za'Myiah Noemis Anini  
Vivi C.,

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

M-3314  
Docket Nos. B-25726/07  
B-25727/07  
B-25728/07

- - - - -  
St. Vincent's Services, Inc.,  
et al.,  
Petitioners-Respondents,

Colleen C., also known as Colleen  
Veronica C., also known as Colleen P.,  
Respondent-Appellant,

Santiago C., also known as  
Santiago G. C.,  
Respondent-Appellant.

- - - - -  
Kenneth Walsh, Esq.,  
Attorney for the Subject Child  
Alliyah C.,

Indhu Bessim, Esq.,  
Attorney for the Subject Children  
Octavia C. and Za'Myiah C.

-----X  
Appeals having been taken to this Court by respondent-mother Colleen C. from orders of the Family Court, Bronx County, entered on or about May 7, 2012,

And a separate appeal having been taken to this Court by respondent-father Santiago C. from the aforesaid orders entered on or about May 7, 2012,

And respondent-appellant father having moved for leave to prosecute her appeals as a poor person, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NYY 10538, Telephone No. 914-834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3313 and M-3759, decided simultaneously herewith.)

ENTER:



CLERK

---

<sup>1</sup>Service 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 October 16, 2012.

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

-----X  
In the Matter of the Application for  
the Custody and Guardianship of

Alliyah C., also known as  
Alliyah Cachita Ashanti  
Yuli Irene C.;  
Octavia C., also known as  
Octavia Adelita Cataye'  
Yodanka Che-Che C.; and  
Za'Myiah C., also known as  
Za'Myiah Noemis Anini  
Vivi C.,

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

M-3759  
Docket Nos. B-25726/07  
B-25727/07  
B-25728/07

- - - - -  
St. Vincent's Services, Inc.,  
et al.,  
Petitioners-Respondents,

Colleen C., also known as Colleen  
Veronica C., also known as Colleen P.,  
Respondent-Appellant,

Santiago C., also known as  
Santiago G. C.,  
Respondent-Appellant.

- - - - -  
Kenneth Walsh, Esq.,  
Attorney for the Subject Child  
Alliyah C.,

Indhu Bessim, Esq.,  
Attorney for the Subject Children  
Octavia C. and Za'Myiah C.

-----X  
Appeals having been taken to this Court by respondent-mother Colleen C. from orders of the Family Court, Bronx County, entered on or about May 7, 2012,

And a separate appeal having been taken to this Court by respondent-father Santiago C. from the aforesaid orders entered on or about May 7, 2012,

And Adam M. Brown, Esq., attorney for the subject child Alliyah C., having moved on the child's behalf for leave to respond to the appeals as a poor person, 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, Kenneth Walsh, Esq., 1133 Broadway, Suite 708, New York, NY 10010, Telephone No. 212-330-7628, as counsel for purposes of responding to the appeals; (2) permitting movant to respond to the appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondents-appellants and 8 copies thereof are filed with this Court. (See M-3313 and M-3314, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 October 16, 2012.

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

-----x

Johnny Lopez,  
Plaintiff-Respondent,

-against-

Abubukar Jalloh,  
Defendant-Appellant,

M-2621  
Index No. 301080/09

-and-

Elena Gonzalez and Rogelio Aponte,  
Defendants-Respondents.

-----x

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

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

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

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 October 16, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----x  
Hoffinger Stern & Ross, LLP,

Plaintiff-Respondent,

-against-

M-4048  
Index No. 113111/09

Philip Neuman, et al.,

Defendants-Appellants.  
-----x

Defendants-appellants having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about August 28, 2012 (mot. seq. no. 014), 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 October 16, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X

Mia Plaza, an Infant by Her Mother  
and Natural Guardian, Claribel  
Rodriguez,  
Plaintiff-Appellant,

**M-3891**  
Index No. 6004/07

-against-

New York Health and Hospitals  
Corporation (Jacobi Medical Center),  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 17, 2012 (Appeal No. 6900),

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

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

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

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

ENTER:



CLERK



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 October 16, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

Respondent,

-against-

M-2471  
Ind. No. 547/01

Jason Lopez,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 10, 2006 (Appeal No. 7540), unanimously affirming a judgment of the Supreme Court, Bronx County (John A. Barone, J.), rendered on February 26, 2004,

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 October 16, 2012.

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

-----X

The People of the State of New York,  
Appellant,

**M-4058**

-against-

Case No. 9980C/05

Yudelka Acevedo,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from the order of the Supreme Court, Bronx County, entered on or about September 7, 2011, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) 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 the People and 9 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as counsel for purposes of responding to the appeal. 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 October 16, 2012.

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

-----X  
Jeffrey Hoffman,  
Plaintiff-Respondent,

-against-

Helm Capital Group, Inc.,  
Defendant-Respondent,

-and-

Russell Hoffman,  
Non-Party Arrestee-Appellant.

M-4235  
Index No. 603109/08

- - - - -  
Jeffrey Hoffman,  
Plaintiff-Respondent,

-against-

Helm Capital Group, Inc.,  
Defendant-Respondent,

-and-

James Michael Lenihan,  
Non-Party Warrantee/Arrestee-  
Appellant.

-----X

An appeal having been taken to this Court by non-party arrestee appellant Russell Hoffman from the order of the Supreme Court, New York County, entered on or about April 23, 2012, and said appeal having been perfected,

And an appeal having been taken by non-party warrantee/arrestee-appellant James Michael Lenihan from orders of the Supreme Court, New York County, entered on or about May 25, 2012 and May 30, 2012, respectively,

And an order of this Court having been entered on July 17, 2012 (M-2186), granting a stay of incarceration with respect to non-party arrestee appellant Russell Hoffman pending hearing and determination of his appeal,

And an order by a Justice of this Court dated June 11, 2012, having granted an interim stay of incarceration with respect to non-party warrantee/arrestee-appellant James Michael Lenihan,

And non-party arrestee appellant James Michael Lenihan having moved for an enlargement of time to perfect his appeal, and for a continuation of the interim stay of incarceration pending hearing and determination of his respective appeal,

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

It is ordered that the motion is granted on condition non-party arrestee-appellant Lenihan perfects his appeal for the February 2013 Term, to which Term the time to perfect the aforesaid appeal is enlarged, and the perfected appeal of non-party/arrestee-appellant Hoffman is adjourned. The Clerk is directed to calendar the respective appeals for hearing together in said 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 October 16, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

American Capital Corp.,

Plaintiff-Respondent,

-against-

M-3215

Index No. 604179/05

Phyllis Nardella, Executrix of the  
Estate of Allen J. Goodman, Esq.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 19, 2012 (Appeal No. 7957),

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 October 16, 2012.

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

-----X  
Women's Interart Center, Inc.,  
Plaintiff,

-against-

Index No. 109017/07

New York City Economic Development Corporation (EDC), et al.,  
Defendants.

- - - - -

M-2840

Women's Interart Center, Inc.,  
Plaintiff-Respondent,

-against-

Clinton Housing Development Fund Corp.,  
Defendant-Appellant,

Index No. 113088/07

City of New York,  
Intervenor-Appellant.

-----X

Plaintiff Women's Interart Center, Inc. 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 17, 2012 (Appeal Nos. 7148-7149),

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 October 16, 2012.

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

-----X

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

- - - - -

Isidro A.-M.,  
Petitioner-Appellant,

**M-4154**

Docket No. V11679-95/06A

-against-

Mirta A., and Minerva F.,  
Respondents-Respondents.

- - - - -

Steven Banks, Esq.,  
Legal Aid Society, Juvenile Rights  
Division, Attorney for the Child,  
Angel Abascal F.

-----X

Assigned counsel for subject child having moved on said child's behalf for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about December 27, 2011,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Micah Engel,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3991  
Index No. 106386/09

Pace University, et al.,  
Respondents-Respondents.

-----X

Petitioner-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 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 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 October 16, 2012.

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

-----x

Johnson Devadas, et al.,  
Plaintiffs-Respondents,

-against-

M-4024  
Index No. 107637/07

Kevin Niksarli, M.D., et al.,  
Defendants-Appellants.

-----x

Defendants-appellants 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 August 12, 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 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 October 16, 2012.

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

-----X

Alistine Thompson,  
Plaintiff-Respondent,

-against-

M-4023  
Index No. 303131/08

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

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

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 17, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 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 October 16, 2012.

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

-----x  
William Craig,

Plaintiff-Appellant,

-against-

M-3882  
Index No. 350233/00

Pamela Craig,

Defendant-Respondent.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 9, 2012,

And plaintiff-appellant having moved for a stay of certain post-judgment orders pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2012.

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

-----X

Danielle Pecile, et al.,

Plaintiffs-Appellants,

-against-

M-3579

Index No. 110490/10

Titan Capital Group, LLC, et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 14, 2012 (Appeal No. 7948),

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 October 16, 2012.

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

-----X  
David O'Neill,

Plaintiff-Petitioner-Appellant,

-against-

M-2694  
Index No. 651322/10

New York University, et al.,

Defendants-Respondents-Respondents.  
-----X

Defendants-respondents-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 8, 2012 (Appeal No. 6586),

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 October 16, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-3030  
Ind. No. 297/04

Stacy Liggan,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on May 19, 2009 (Appeal Nos. 573-574), unanimously affirming judgments of the Supreme Court, New York County, rendered on May 11, 2005, as amended May 20, 2005 (Carol Berkman, J.) and December 14, 2005 (Carol Berkman, J. at suppression hearing; Ruth Pickholtz, J. at jury trial and sentence), respectively,

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 October 16, 2012.

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

-----X  
Juan Vargas,  
Plaintiff-Respondent-Respondent/  
Plaintiff-Respondent,

-against-

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

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

M-3938  
Index No. 302608/08

Ferrara Bros. Building Materials  
Corp., et al.,  
Defendants,

Interstate Industrial Corp.,  
Defendant/Defendant-Appellant.

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

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

And separate appeals having been taken from the order of said Court entered on or about July 30, 2012, and the appeal of defendant Peter Scalamandre & Sons, Inc. From the aforesaid July 30, 2012 order having been perfected,

And defendant Peter Scalamandre & Sons, Inc. having moved for consolidation of the aforesaid appeals and cross appeal and for an enlargement of time to perfect its direct appeal from the order entered on or about July 30, 2012, and its cross appeal from the order of said Court entered on or about July 1, 2011, respectively,

Now, upon reading and filing the papers with respect to the motion, including the Stipulation of the parties filed October 5, 2012, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of adjourning the perfected appeals to the February 2013 Term. The time to perfect the remaining appeals from the order entered July 30, 2012, and the cross appeal from the order entered July 1, 2011 are enlarged to said February 2013 Term. The parties are granted leave to proceed on the existing record and a joint supplemental record on appeal. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 October 16, 2012.

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

-----X  
In re Phyllis Nuchman,

Petitioner-Appellant,

-against-

M-3458  
Index No. 111217/10

Joel I. Klein, etc., et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 17, 2012 (Appeal No. 7685),

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 October 16, 2012.

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

-----X

David R. Kittay, etc.,  
Plaintiff-Appellant-Respondent,

-against-

Herbert Moskowitz,  
Defendant-Respondent,

M-2613  
Index No. 23119/06

Hudson River International LLC,  
Defendant-Respondent-Appellant.

-----X

Plaintiff-appellant-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 3, 2012 (Appeal No. 7529),

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 October 16, 2012.

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

-----X  
Account of Roberta L. Koepfel, et al.,  
As Executors of the Last Will and  
Testament of Robert A. Koepfel,  
Deceased.

- - - - -  
William W. Koepfel,  
Petitioner-Appellant,

**M-2783**  
File No. 4098/96

-against-

Roberta L. Koepfel, et al., etc.,  
Respondents.

- - - - -  
Richtenthal, Abrams & Moss, et al.,  
Non-Party Respondents.

(And Other Actions)

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 3, 2012 (Appeal No. 7530),

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 October 16, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X  
Public Service Mutual Insurance  
Company, etc.,  
Plaintiff-Respondent,

-against-

M-3087  
Index No. 105886/09

341-347 Broadway, LLC, et al.,  
Defendants-Appellants,

Leviev Boymelgreen Developers,  
LLC, et al.,  
Defendants.

-----X

Defendants-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 7, 2012 (Appeal Nos. 7197-7198),

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 October 16, 2012.

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

-----X  
In the Matter of the Application of  
Walter Iwachiw,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3878  
Index No. 400807/11

CUNY, et al.,  
Respondents-Respondents.

-----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 August 10, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time to perfect said 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 permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant or appellant's counsel if any, the cost thereof to be charged against the City of New York from funds available therefor. The time to perfect the appeal is enlarged 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 October 16, 2012.

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

-----X  
Korea Deposit Insurance Company,  
etc.,  
Plaintiff-Appellant,

-against-

M-3875  
Index No. 100960/11

Warren Alderige, etc.,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 26, 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 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 October 16, 2012.

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

-----x  
Anglo Irish Bank Corporation Limited,  
formerly known as Anglo Irish Bank  
Corporation plc,  
Plaintiff-Respondent,

M-4128  
Index No. 650724/10

-against-

Izzy Ashkenazy and Jonathan Agus,  
Defendants-Appellants.

- - - - -  
Anglo Irish Bank Corporation Limited,  
formerly known as Anglo Irish Bank  
Corporation plc,  
Plaintiff-Respondent,

M-4134  
Index No. 103550/10

-against-

Izzy Ashkenazy and Jonathan Agus,  
Defendants-Appellants.

-----x  
Separate appeals having been taken to this Court by defendants from judgments of the Supreme Court, New York County, entered on or about November 29, 2011 (Index No. 650724/10) and August 31, 2011 (Index No. 103550/10), respectively,

And defendant-appellant Izzy Ashkenazy having moved, by separate motions, for an enlargement of time to perfect the respective appeals,

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the aforesaid appeals 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 October 16, 2012.

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

-----X  
TADCO Construction Corp., US Fire  
Insurance Company,  
Plaintiffs-Appellants,

-against-

M-4139  
Index No. 600037/07

Dormitory Authority of the State  
of New York,  
Defendant-Respondent.  
-----X

Plaintiff-appellant TADCO Construction Corp. 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 June 3, 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 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 October 16, 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 of  
Aidan Doorley,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-4044  
Index No. 114925/10

Raymond Kelly, etc., et al.,  
Respondents-Respondents.

-----X

Petitioner-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 June 10, 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 October 16, 2012.

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

-----x  
Binta Diallo,  
Plaintiff-Appellant,

-against-

560 West 149<sup>th</sup> St. Tenants Corp.,  
et al.,  
Defendants-Respondents.

M-3644  
M-3792  
Index No. 111870/09

-----x

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

And plaintiff-appellant having moved for leave to prosecute the appeal as a poor person, for an enlargement of time to perfect the appeal, for continuation of an interim relief granted by an order of a Justice of this Court dated August 2, 2012, and for related relief (M-3644),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal for failure to timely perfect (M-3792),

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

It is ordered that the motion (M-3644) for poor person relief and related relief is denied. The cross motion to dismiss the aforesaid appeal (M-3792) is granted unless plaintiff perfects the appeal on or before December 3, 2012 for the February 2013 Term, and the interim relief granted by the order of a Justice of this Court dated August 2, 2012, is vacated.

ENTER:

  
CLERK

PM ORDERS

ENTERED ON

OCTOBER 16, 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 October 16, 2012.

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

-----X

Voom HD Holdings, LLC,  
Plaintiff-Respondent,

-against-

M-4688  
Index No. 600292/08

Echostar Satellite, L.L.C.,  
Defendant-Appellant.

-----X

A purported appeal having been taken from a decision of the Supreme Court, New York County, so ordered on October 4, 2012,

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