

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 18, 2012.

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

-----X
Medical Building Associates, Inc.,
Plaintiff-Appellant,

-against-

M-3889
Index No. 105724/11

Abner Properties Company,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 3, 2012,

And plaintiff-appellant having moved for a stay of so much of the aforesaid order as conditioned the Yellowstone injunction on plaintiff providing a certain undertaking, 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 and the portion of the order requiring plaintiff to post an undertaking is stayed, pending hearing and determination of the appeal, on condition the appeal is perfected for 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 18, 2012.

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

-----X

Debra H.,
Petitioner-Respondent,

-against-

M-3580

M-3845

Index No. 106569/08

Janice R.,
Respondent-Appellant.

-----X

A purported appeal having been taken from an "Interim Parental Access Order" of the Supreme Court, New York County, dated on or about July 27, 2012,

And respondent-appellant having moved for an order staying the aforesaid order of the Supreme Court pending hearing and determination of the purported appeal or for alternative relief (M-3580),

And petitioner-respondent having cross-moved for an order dismissing the aforesaid purported appeal, (M-3845),

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 respondent-appellant's motion is denied (M-3580). Petitioner-respondent's cross motion is granted and the purported appeal, to the extent such may be construed to be extant, is dismissed (M-3845).

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 18, 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 the Liquidation of

Cosmopolitan Insurance Company

Claim of: Blackman Plumbing Supplies, M-3059
Inc., Index No. 42638/80
Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 7, 2012 (mot. seq. no. 016), and said appeal having been perfected,

And claimant-appellant Blackman Plumbing Supplies, Inc. having moved for a stay of execution of so much of the aforesaid order authorizing the liquidator to release certain funds being held in reserve for payment of appellant's claims, 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 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 18, 2012.

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

-----X
Yitzchak M. Hirsch, also known as
Justin Hirsch, by Devorah Hirsch,
Mother and Guardian ad Litem of
Yitzchak M. Hirsch, also known as
Justin Hirsch and Devorah Hirsch,
Plaintiffs-Appellants,

M-4161
Index No. 103504/10

-against-

New York City Department of
Education, 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, New York County, entered on or about July 15, 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 on or before December 3, 2012 for 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 18, 2012.

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

-----X
Vintage Rugs, Inc., et al.,
Plaintiffs,

-against-

M-4293
Index No. 104559/10

Carnegie Hill Management Corporation,
Apartments by Owners, Inc., Zimak
Company,
Defendants.

-----X

Defendant Apartments by Owners, Inc. having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about September 11, 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 18, 2012.

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

-----X

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

SEALED-CONFIDENTIAL

M-4442

For Commitment Under Article 10
of the Mental Hygiene Law,

Index No. 251812/08

-against-

William W.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 12, 2011, and said appeal having been perfected,

And petitioner-respondent having moved, to adjourn the appeal to the December 2012 Term,

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

Ordered that the motion is granted to the extent of adjourning the appeal to the December 2012 Term, with a calendar preference for the first week of said Term. The Clerk is directed to calendar the appeal 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 October 18, 2012.

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

-----X
Elizabeth Bour,
Plaintiff-Appellant,

-against-

M-3964
Index No. 101313/09

259 Bleecker LLC,
Defendant-Respondent.
-----X

Appeals having been taken by plaintiff from orders of the Supreme Court, New York County, entered on or about May 9, 2011 (mot. seq. no. 004) and October 4, 2011 (mot. seq. no. 003), respectively,

And an order of this court having been entered April 5, 2012 (M-683) sua sponte, consolidating the aforesaid appeals and enlarging the time to perfect the consolidated appeals to the October 2012 Term, and said consolidated appeals having been perfected,

And defendant-respondent having moved for an order striking plaintiff-appellant's appendix and brief, and for an adjournment of the 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 taking Judicial Notice of documents set forth at pp. 548-577 of plaintiff-appellant's appendix and directing plaintiff-appellant to promptly file 9 copies of the RJ1 and the oral argument transcripts from June 6, 2011, set forth as Exhibits C and D to defendant's motion papers, without prejudice to substantive arguments raised upon hearing of the appeal. 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 18, 2012.

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

-----X
In the Matter of

Diana Angela Bedolla F.,

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

Catholic Home Bureau for Dependent Children,
Petitioner-Respondent,

M-4068
Docket No. B13317/08

Teresa F., also known as Teresa F. M.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, in connection with her appeal from an order of the Family Court, New York County, entered on or about June 21, 2011, having moved for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time 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 18, 2012.

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

-----X

247 East 32nd LLC, et al.,

Plaintiffs-Respondents,

-against-

M-3032

Index No. 651609/10

Katherine Gasparich,

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 May 31, 2012 (Appeal No. 7826), 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 October 18, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Robert Eden,

Plaintiff-Appellant-Respondent,

-against-

M-3426

Index No. 114936/05

St. Luke's-Roosevelt Hospital Center,
et al.,

Defendants-Respondents-Appellants.

-----X

Plaintiff-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 21, 2012 (Appeal Nos. 7997 and 7998),

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 18, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

Lidia Hughes,
Plaintiff-Respondent,

-against-

M-3255
Index No. 36544/05

Andre Hughes,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on December 7, 2010 (Appeal No. 3814),

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 18, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Segundo Once, et al.,
Plaintiffs-Respondents,

-against-

Service Center of New York, et al.,
Defendants,

M-3182
Index No. 109720/05

218 W 72nd St. Realty Corp., et al.,
Defendants-Appellants.

-----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 No. 7886), 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 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 18, 2012.

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

-----X
The Inspector General of the State
of New York, Ellen N. Biben,

Petitioner-Respondent,

-against-

M-2937
Index No. 402885/11

Indian Cultural and Community Center,
Inc.,

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 15, 2012 (Appeal No. 7672N),

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 18, 2012.

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

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

-against-

M-2648
Index No. 570062/09

Darnel Jackson,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 15, 2011,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1728
Ind. No. 357/04

Richard Banks,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 18, 2008 (Appeal No. 3089), unanimously affirming a judgment of the Supreme Court, New York County (Arlene Silverman, J.), rendered on December 7, 2005,

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 18, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

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

-against-

M-2777
Ind. No. 6622/04

Srisdi Kidkarndee,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 19, 2007 (Appeal No. 1369), unanimously affirming a judgment of the Supreme Court, New York County (Budd Goodman, J.), rendered on June 23, 2005,

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 18, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Jose Santiago,
Plaintiff-Appellant,

-against-

M-3088
Index No. 303974/07

JP Morgan Chase and Company,
Defendant-Respondent.
-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on June 26, 2012 (Appeal No. 5843),

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 18, 2012.

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

-----X
Brady Rosario, etc.,

Plaintiff-Appellant,

-against-

M-2808

M-3200

Index No. 350192/09

Chico Car Inc., Farides Perez, Autorama
Enterprises and Manuel A. Reyes,

Defendants-Respondents.

-----X

Defendants-respondents, Autorama Enterprises and Manuel A. Reyes, having moved for reargument of the decision and order of this Court entered on May 15, 2012 (Appeal No. 7638) [M-2808],

And defendants-respondents, Chico Car Inc. and Farides Perez, having cross-moved for the same relief [M-3200],

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

It is ordered that the motion and cross motion are denied.

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 18, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Joseph Valenti, et al.,
Plaintiffs-Respondents,

-against-

M-2748
Index No. 102427/08

Martin Camins, M.D., et al.,
Defendants-Appellant.

-----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 May 8, 2012 (Appeal No. 5518),

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 18, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Philip Seldon,

Plaintiff-Appellant,

-against-

M-3027

Index No. 107264/09

Andrew Spinnell,

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 May 31, 2012 (Appeal No. 7798),

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 18, 2012.

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

-----X
National League for Nursing, Inc.,
Plaintiff-Respondent,

-against-

M-4008
Index No. 651744/11

National League for Nursing
Accrediting Commission, Inc. and
Sharon Tanner,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal from the order of the Supreme Court, New York County, entered on or about November 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 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 18, 2012.

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

-----X
Kasowitz, Benson, Torres &
Friedman, LLP,
Plaintiff-Respondent,

-against-

Shelly Cao,
Defendant-Appellant,

#1 Funding Center, Inc.
Defendant.

M-4088
M-4263
Index No. 113329/08

-----X

Defendant-appellant Shelly Cao pro se 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 27, 2011 (mot. seq. no. 006) [M-4088],

And plaintiff-respondent having cross moved to dismiss the aforesaid appeal for failure to timely perfect [M-4263],

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 [M-4088]. The cross motion is granted to the extent of dismissing the appeal unless perfected for said Term [M-4263].

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 18, 2012.

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

-----X
Faiz O. Bouls and Safaa Bouls,
Plaintiffs-Respondents,

-against-

M-4098
Index No. 403857/06

New York City Transit Authority,
MABSTOA, The Metropolitan Transit
Authority and Wendy Mercado,
Defendants-Appellants.

-----X

Defendants-appellants 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 November 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 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 18, 2012.

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

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

-against-

M-3797
Ind. No. 4852/10

Donna E. Berg,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 22, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

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 18, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

Masoud Micky,

Plaintiff-Respondent,

-against-

The City of New York,

Defendant-Appellant.

-----X

M-3541

M-3832

Index No. 28497/03

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 28, 2012 (Appeal Nos. 8030-8031)[M-3541],

And defendant-appellant having cross-moved for the same relief [M-3832],

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

It is ordered that the motion and cross motion are denied.

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 18, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-4269
Ind. No. 2877/09

Keith Johnson,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 19, 2011,

And an order of this Court having been entered July 17, 2012 granting an enlargement of time to perfect the aforesaid appeal and continuing the stay of execution of sentence afforded by said order, pending hearing and determination of the appeal (M-2690),

And defendant-appellant having moved to continue the aforesaid 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 to the extent of continuing the stay of execution of sentence granted by a Justice of Supreme Court, Bronx County, on July 19, 2011, on the same terms and conditions pending hearing and determination of the appeal, and on condition defendant perfects the appeal on or before December 3, 2012 for 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 18, 2012.

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

-----X
Fay Hill,
Plaintiff-Appellant,

-against -

M-2940
Index No. 300800/10

Emmanuel K. Achiah, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on May 17, 2012, and for other relief, (Appeal No. 7686),

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 18, 2012.

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

-----X
Franca Ferrari,

Plaintiff-Respondent,

-against-

Iona College, et al.,

Defendants-Appellants.
-----X

M-2873

Index No. 117115/09

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 10, 2012 (Appeal No. 7610),

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 18, 2012.

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

-----X
In the Matter of the Application of
Robert Doar, as Commissioner of
Social Services for the City of
New York,
Petitioner-Respondent,

-against-

M-3744
Index No. 400706/11

Hsui Yuan Wulin, an Alleged
Incapacitated Person,
Respondent-Appellant.

-----X

Respondent-appellant having moved for, inter alia, a stay of the order of the Supreme Court, New York County, entered on or about February 27, 2012, pending hearing and determination of the appeal taken therefrom, 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 October 18, 2012.

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

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

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

M-4409
Index No. 402655/11

-against-

New York State Department of Social
Services,
Respondent.

-----X
An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 21, 2011,

And petitioner having moved for an enlargement of time to perfect the aforesaid proceeding,

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 proceeding to on or before December 3, 2012 for 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 18, 2012.

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

-----X

Ahmad Alavian, et al.,
Plaintiffs-Respondents,

-against-

M-3929
Index No. 103835/08

Ted Zane and Arnold Ross,
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 5, 2012 (mot. seq. no. 011), and said appeal having been perfected,

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

It is ordered that the motion is granted.

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 18, 2012.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
James M. Catterson
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Bari Yunis Schorr,
Plaintiff-Respondent,

-against-

M-3338
Index No. 305587/11

David Evan Schorr,
Defendant-Appellant.

-----X

Defendant-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 June 19, 2012 (Appeal No. 7990), and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

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

PM ORDERS

ENTERED ON

OCTOBER 18, 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 18, 2012.

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

-----x
Patricia Leighton,
Plaintiff-Appellant,

-against-

M-3789
Index No. 115379/08

Marc Lowenberg, D.D.S., et al.,
Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 5, 2011 (mot. seq. nos. 006, 007), and said appeal having been perfected,

And defendants-respondents having moved for leave to strike from the record on appeal certain post-order deposition testimony, as well as any and all references thereto in defendant-appellant's brief, upon the grounds that it refers to material de hors the record, and for the imposition of costs against plaintiff-appellant for frivolous conduct pursuant to 22 NYCRR § 130-1.1,

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 plaintiff-appellant's counsel to physically excise Point V (pp. 57-61) of plaintiff-appellant's brief as well as pp. 1542-1576 from Volume II of the Record on appeal, with costs to abide the event. 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 18, 2012.

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

-----x
Carol Wood,

Plaintiff-Appellant,

-against-

139 East 33rd Street Corp., et al.,

Defendants-Respondents.
-----x

M-3821
Index No. 602793/09

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about March 27, 2012 (mot. seq. no. 007),

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 the appeal is perfected on or before December 3, 2012 for the February 2013 Term.

ENTER:



CLERK