

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 25, 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-193A
Ind. No. 89/11

Jahlyl Layne,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 29, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

David K. Bertan, Esq., 888 Grand Concourse, Suite 1N, Bronx, New York 10451, Telephone No. 718-742-1688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. The order of this Court entered on February 23, 2012 (M-193) is hereby recalled and 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 October 25, 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-2326
Ind. No. 4480/11

Anthony Anderson,

Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-3492

Ind. No. 2763/01

David M. Wiley,

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 May 11, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the **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 October 25, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Rolando T. Acosta
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X

MatlinPatterson ATA Holdings LLC,
Plaintiff-Appellant,

-against-

M-1488
Index No. 602192/08

Federal Express Corporation,
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 September 1, 2011 (Appeal No. 4551),

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 25, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
JP Morgan Chase & Co., et al.,
Plaintiffs-Appellants,

-against-

Indian Harbor Insurance Company, et al.,
Defendants,

Arch Insurance Company, et al.,
Defendants-Respondents.

M-3053
Index No. 603766/08

- - - - -
JP Morgan Chase & Co., et al.,
Plaintiffs-Respondents,

-against-

Indian Harbor Insurance Company, et al.,
Defendants-Appellants,

Arch Insurance Company, et al.,
Defendants.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 12, 2012 (Appeal Nos. 6461, 6462, 6463, 6464, 6465 & 6466N),

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 25, 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 the Application of
Tenants Committee of 36 Gramercy Park,
Petitioner-Appellant,

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

-against-

New York State Division of Housing
and Community Renewal,
Respondent-Respondent,

M-3661
Index No. 116069/10

-and-

36 Gramercy Park Realty Associates,
LLC,
Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 3, 2011,

And petitioner-appellant having moved to stay enforcement of a certain DHCR order, 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 to the extent of directing respondent-landlord to place the challenged MCI rent increases in escrow and further staying the processing of respondent's Luxury Deregulation Application, pertaining to Apartment 7N, pending hearing and determination of the appeal, on condition the appeal is perfected on or before December 3, 2012 for the February 2013 Term; sua sponte, petitioner-appellant's time to perfect the appeal is enlarged to 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 25, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3735
Ind. No. 5958/05

Curtis Hinds,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 12, 2012 (Appeal No. 2647), unanimously modifying a judgment of the Supreme Court, New York County (Carol Berkman, J.), rendered on November 2, 2006,

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 25, 2012.

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

-----x
Suffolk P.E.T. Management, LLC, et al.,
Plaintiffs-Respondents,

-against-

Azad K. Anand, M.D., et al.,
Defendants-Appellants.
-----x

M-4430
M-4576
Index No. 113141/08

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 16, 2012 (mot. seq. no. 006) [M-4430],

And plaintiffs-respondents having cross-moved for dismissal of the aforesaid appeal for failure to timely prosecute [M-4576],

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 to stay the proceedings [M-4430] is granted on condition the appeal is perfected on or before December 31, 2012 for the March 2013 Term. The cross motion [M-4576] is granted to the extent of dismissing the appeal unless it is perfected for said 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 25, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Ingrid Jno-Charles,

Petitioner-Appellant,

-against-

New York City Housing Authority,

Respondent-Respondent.
-----X

M-2957
Index No. 402238/10

Petitioner-appellant having moved for reargument of the decision and order of this Court entered on June 12, 2012 (Appeal No. 7927), 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 25, 2012.

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

-----X

In re Alan MacPherson,

Petitioner-Appellant,

-against-

M-2728

Index No. 107988/10

Raymond Kelly, as Police Commissioner
of the City of New York, 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 10, 2012 (Appeal No. 7605),

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 25, 2012.

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

-----X
Kateri Residence, etc., et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-2888
Index No. 102836/06

Antonia C. Novello, M.D., etc., et al.,
Defendants-Appellants-Respondents.

-----X

Defendants-appellants-respondents 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. 7663),

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 25, 2012.

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

-----X

In re Relly Adler,
Petitioner-Appellant,

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

M-2969
Index No. 111817/10

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 22, 2012 (Appeal No. 7738),

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 25, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

Michael Thompson, et al.,
Plaintiffs-Appellants,

-against-

M-2880
Index No. 106770/07

BFP 300 Madison II, LLC, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 8, 2012 (Appeal No. 7575),

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 25, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3656
Ind. No. 1384/10

Alexander Gonzalez, also known as
Kliti Mohamed,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 14, 2012 (Appeal No. 6791), unanimously affirming a judgment of the Supreme Court, New York County (A. Kirke Bartley, Jr., J.), rendered on July 22, 2012,

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 25, 2012.

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

-----x
Horizon Asset Management, LLC (formerly
known as Horizon Asset Management, Inc.),
Plaintiff-Respondent-Appellant,

-against-

Raymond V. Duffy, individually and
derivatively on behalf of Horizon Asset
Management Services, LLC,
Defendant/Counterclaim Plaintiffs-
Appellants-Respondents,

M-4497
Index No. 602509/08

-against-

Murray Stahl, Horizon Asset Management
Services, LLC (formerly known as Horizon
Asset Management, Inc.) and Horizon
Common, Inc.,
Counterclaim Defendants-Respondents-
Appellants.

-----x

Appeals and cross appeals having been taken to this Court by the respective parties from the orders of the Supreme Court, New York County, entered on or about October 14, 2011 (mot. seq. nos. 003, 004) and July 5, 2012 (mot. seq. no. 005), respectively,

And defendant/Counterclaim plaintiffs-appellants-respondents having moved, on consent, for consolidation of the aforesaid appeals and cross 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 permitting direct appellants to prosecute the appeals and cross appeals upon 9 copies of one record and one set of each

appellant's points covering the appeals and cross appeals and enlarging the time to perfect same to the March 2013 Term. The attention of the parties is directed to 22 NYCRR § 600.11(d). The parties are permitted to submit the so called "previously sealed documents" filed with this motion to this Court to be maintained under seal as part of the record on 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 25, 2012.

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

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

-against-

M-4274

M-4368

Case No. 9412C/11

Crystal Figueroa,
Defendant-Appellant.

-----X

An appeal having been taken to the Appellate Term, First Department from the judgment of the Criminal Court, Bronx County, rendered on or about February 17, 2011,

And an order of **resentence** of said Court having been entered on or about February 1, 2012,

And defendant having moved, by separate motions, for leave to transfer her appeal of the aforesaid judgment from the Appellate Term, First Department to this Court, for leave to file a late notice of appeal with respect to the aforesaid order of **resentence**, for the assignment of counsel, and for related relief (M-4274/M-4368),

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 directing that the appeal from the aforesaid judgment rendered February 17, 2011 be transferred to this Court, deeming the moving papers a timely filed notice of appeal from the order of **resentence** entered on or about February 1, 2012, and permitting the appeals 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 any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence and **resentence**, if any. 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 appeals. 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 October 25, 2012.

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

-----X

Federated Retail Holdings, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-3074

Index No. 604104/06

Weatherley 39th Street, LLC, etc.,
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 May 15, 2012 (Appeal No. 7636),

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 25, 2012.

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

-----X
Samuel Cosentino,

Plaintiff-Appellant,

-against-

M-2814

Index No. 121296/03

Sullivan Papain Block McGrath & Cannavo,
P.C.,

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 15, 2012 (Appeal No. 7632),

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 25, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
Susan Scott Stanley, et al.,
Plaintiffs-Appellants,

-against-

M-3516
Index No. 103436/10

Amalithone Realty, Inc., 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 March 13, 2012 (Appeal No. 6283-6284),

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 25, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
In re Marianne C. Gourary,

Petitioner-Appellant,

-against-

M-3305
File No. 512/07

John P. Gourary,

Objectant-Respondent.
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 26, 2012 (Appeal No. 7491-7491A),

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 25, 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
ex rel. Jamel Moncrieft,
Petitioner,

-against-

Artemio Colon, MDS, Warden/
Superintendent, Correctional Facility,
Respondent.

M-3834
Ind. Nos. 30157/12
401590/12

-----X

Petitioner 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 6, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

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 25, 2012.

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

-----X
Finkelstein Newman Ferrara LLP
formerly known as Finkelstein Newman LLP
Plaintiff-Appellant,

-against-

M-3887
Index No. 570303/11

Leo Manning,
Defendant-Respondent.

-----X

Defendant-respondent 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 April 13, 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 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 25, 2012.

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

-----X

In re Rosemary Golia,
Petitioner-Appellant,

-against-

Meenakshi Srinivasan, et al.,
Respondents-Respondent.

M-3368
Index Nos. 102004/09
102003/09

-----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 Nos. 6473 and 6474),

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 25, 2012.

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

-----X
Juan Santana and Maria Fermin,
Plaintiffs-Respondents,

-against-

M-4012
Index No. 307480/10

Robert Bogg and Donlen Trust,
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 July 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 October 25, 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-3553
Ind. No. 9208/98

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

-----X

Respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 27, 1999, for failure to timely prosecute,

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

It is ordered that the motion is 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 25, 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

Khadijah Destiny H.,

A Dependent Child Under 18 Years of **M-3637**
Age Pursuant to §384-b of the Social **M-3962**
Services Law of the State of New York. Docket No. B25386/09

- - - - -
Family Support Systems Unlimited, Inc.,
et al.,
Petitioners-Respondents,

Carmella R.,
Respondent-Appellant.

- - - - -
Jessica M. Brown, Esq.,
Attorney for the Child.

-----X

Petitioners-respondents having moved to dismiss the appeal taken by respondent mother from the order of the Family Court, Bronx County, entered on or about July 29, 2011 (M-3637),

And respondent-appellant mother having cross-moved for leave to prosecute, as a poor person, the aforesaid appeal from the order of the Family Court, Bronx County, for the assignment of counsel, a free copy of the transcript, and for related relief (M-3962),

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's cross motion (M-3962) is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** Petitioners-respondents' motion (M-3637) to dismiss the appeal is denied.

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2012.

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

-----X
SRA, LLC,
Plaintiff-Respondent,

-against-

M-3920
Index No. 603523/08

John Gardner,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from order of the Supreme Court, New York County, entered on or about August 19, 2012,

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

It is ordered that the motion is denied 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 25, 2012.

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

-----X
In the Matter of

Lynik Jomae E., Jr.,

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

M-4141
Docket No. B51740/09

Harlem Dowling-Westside Center for Children and Family Services, et al.,
Petitioners-Respondents,

Lynik Jomae E.,
Respondent-Appellant.

Richard L. Herzfeld, Esq.,
Attorney for the Child.

-----X

Stephanie Rancer, Esq., Family Court attorney for subject child, Lynik Jomae E., Jr., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about June 7, 2012, for assignment of appellate counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No. (212) 818-9019, as counsel for purposes of responding to the

appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

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 25, 2012.

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

-----X
Abacus Federal Savings Bank,
Plaintiff-Appellant,

-against-

M-2860
Index No. 108378/03

Carol John Mee Lim, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on June 5, 2012 (M-2061/M-2083),

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 25, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

In re Edwin Ortiz,
Petitioner-Appellant,

-against-

M-2275
Index No. 115486/09

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

-----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 April 3, 2012 (Appeal No. 7266),

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 25, 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-4067A
Ind. No. 2665/09

Dwayne Hemans,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered, simultaneously herewith, on October 25, 2012 (M-4067), granting defendant leave to appeal to this Court pursuant to CPL 460.15 from the order of the Supreme Court, Bronx County, entered on or about August 13, 2012,

And defendant having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (See M-4067, decided simultaneously herewith.)

ENTER:


CLERK

APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

Respondent,

M-2137
Bronx Co.
Ind. No. 4676/96

-against-

CERTIFICATE
GRANTING LEAVE

'Dimas Ramirez,

Defendant-Appellant.
-----X

I, David B. Saxe, 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, Bronx County, entered on or about March 30, 2012.¹

Dated: New York, New York

6 ENTERED OCT 25 2012


Justice of the Appellate Division

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

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

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-4224
New York Co.
Indictment No.
4478/08

-against-

CERTIFICATE
DENYING LEAVE

Modibo Doumbia,

Defendant.

-----X

I, David B. Saxe, 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 section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 18, 2011 is hereby denied.

Dated: New York, New York

ENTERED OCT 25 2012

David B. Saxe
Justice of the Appellate Division

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

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

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

M-3856
Ind. No. 04293/04

-against-

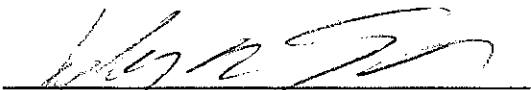
CERTIFICATE
DENYING LEAVE

Dwayne Barnes,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 23, 2011 (Roger S. Hayes, J.) is hereby denied.



Associate Justice

Dated: September 10, 2012
New York, New York

OCT 9 5 2012

ENTERED:

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

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

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

M-4431
Ind. No. 4080/06

-against-

CERTIFICATE
DENYING LEAVE

Phillip McKelvey,
Defendant.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 13, 2012, is hereby denied.

Dated: New York, New York
October 11, 2012

ENTERED OCT 25 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

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

-----X

The People of the State of New York,

M-4067
Ind. No. 2665/09

-against-

CERTIFICATE
GRANTING LEAVE

Dwayne Hemans, Defendant

-----X

I, Hon. Leland G. DeGrasse, 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, Bronx County, entered on or about August 13, 2012.¹ (See M-4067A, decided simultaneously herewith).

Dated: New York, New York
October 3, 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

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

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

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

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

M-3983
Ind. Nos. 3773/93
3161/95

-against-

CERTIFICATE
DENYING LEAVE

Rogelio Young,
Defendant.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about August 23, 2012, is hereby denied.

Dated: New York, New York
September 26, 2012

ENTERED OCT 25 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

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-4467
Ind. No. 2560/1994

-against-

CERTIFICATE
DENYING LEAVE

Richard Williams

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 December 20, 2011, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

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

ENTERED: OCT 25 2012
.....

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

-against-

M-3510
Ind. No. 3848-94

CERTIFICATE
GRANTING LEAVE

Jamie Flores

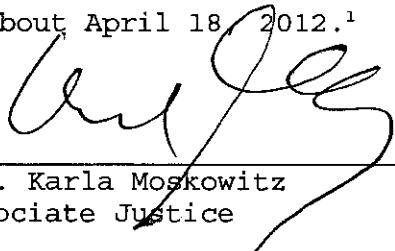
Defendant-Appellant.
-----X

I, Karla Moskowitz , 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, Bronx County, entered on or about April 18, 2012.¹

Dated: 9/10, 2012

New York, New York

ENTERED OCT 25 2012



Hon. Karla Moskowitz
Associate Justice

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

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

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

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

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

M-4220
Ind. No. 1866/90;
1999/90

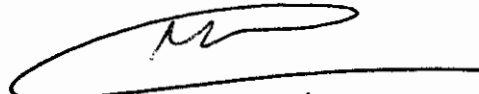
-against-

CERTIFICATE
DENYING LEAVE

Marvin Hendy,

Defendant.
-----X

I, Nelson S. Román, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, rendered on or about May 29, 2012 is hereby denied.


Associate Justice

Dated:

New York, New York

....
OCT 25 2012

ENTERED:

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

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

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

-against-

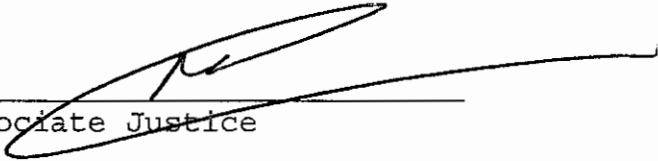
Trevor Williams,

Defendant.

M-3166
Ind. No. 303/2005
SCI No. 10566C/05 -
CERTIFICATE
DENYING LEAVE

-----X

I, Nelson S. Román, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, rendered on or about March 7, 2011 is hereby denied.



Associate Justice

Dated:
New York, New York

ENTERED: **OCT 25 2012**

PM ORDERS

ENTERED ON

OCTOBER 23, 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 23, 2012.

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

-----X
UMG Recordings, Inc.,

Plaintiff-Appellant,

-against-

M-4551
Index No. 100152/10

Escape Media Group, Inc.,

Defendant-Respondent.
-----X

An appeal having been taken to this Court by the above-named plaintiff from the order of the Supreme Court, New York County, entered on or about July 10, 2012, and said appeal having been perfected,

And Recording Industry Association of America having moved for leave to file a brief amicus curiae in connection with 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 copies of the proposed amicus curiae brief submitted with the moving papers are deemed filed.

ENTER:


CLERK

PM ORDER

ENTERED ON

OCTOBER 25, 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 25, 2012.

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

-----X
Ableco Finance LLC,
Plaintiff-Appellant-Respondent,

-against-

M-4565
Index No. 650618/09

John F. Hilson, et al.,
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 30, 2012 (mot. seq. nos. 006, 007), and the direct appeal having been perfected upon a joint record,

And the parties having jointly moved for consolidation of the aforesaid appeal and cross appeal, for leave to perfect the appeals consolidated appeals upon a joint record, 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, sua sponte, the notice of appeal dated August 1, 2012 is deemed to be the direct appeal and the notice of appeal dated August 27, 2012 is deemed to be the cross appeal, and defendants-respondents-appellants are directed to perfect their cross appeal on or before October 31, 2012 for the December 2012 Term. The motion, to the extent it seeks leave to file a joint record on appeal, is denied, as unnecessary, said record having already been filed. The motion is otherwise denied.

ENTER:


CLERK