

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 December 10, 2013.

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

-----X
Clara Caldwell, et al.,
Plaintiffs-Respondents,

-against-

M-4771X
Index No. 123568/02

Two Columbus Associates, LLC,
Defendant-Appellant.

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

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about April 11, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 16, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

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

-----X
Lakeisha Armstrong,
Plaintiff-Respondent/Respondent,

-against-

Lafayette-Boynton Apartment
Corporation, et al.,
Defendants-Respondents/Appellants,

M-4772X
Index No. 301142/07

-and-

A, R, & R Security, Inc.,
Defendant-Appellant.

- - - - -
(And another action)

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about November 27, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 16, 2013, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

-----X
In the Matter of

Jason M.,

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

M-4780
Docket No. NN-5661/12

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

Jason M.,
Respondent-Appellant.

- - - - -
Adam Brown, Esq.,
Attorney for the Child.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 24, 2012, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated September 18, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
Antoine Betoum,
Plaintiff-Respondent,

-against-

2835/2865 White Plains Rd., LLC,
Defendant,

Safe Parking III,
Defendant-Appellant.
-----X

M-4796X
Index No. 302905/11

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 8, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 18, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X

Peter J. Deering,
Plaintiff-Appellant,

-against-

M-4797X
Index No. 304320/12

Angela C. Deering,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 11, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 18, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
Patricia Powell,
Plaintiff-Appellant,

-against-

M-4798X
Index No. 304882/12

Juan E. Reyes,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 28, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 18, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X

C. Bradley Mendelson,
Plaintiff-Respondent,

-against-

M-5121X
Index No. 312325/98

Lynn R. Mendelson,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 20, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 7, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

-----X
Menfil Lopez, et al.,
Plaintiffs-Respondents,

-against-

M-5179X
Index No. 308075/08

Al-Bon Realty Corporation, et al.,
Defendants-Appellants.

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

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 17, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 11, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
Natalie Taylor,
Plaintiff-Appellant,

-against-

Turner Construction Company, et al.,
Defendants-Respondents.

M-5182X
Index No. 304056/09

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 15, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 10, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

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

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

-against-

M-5539
Ind. No. 469/09

Corey Fabo,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 15, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated October 18, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

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

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

-against-

M-5838
Ind. No. 4441/11

William Green,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 21, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated November 5, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
Mill Financial, LLC, et al.,
Plaintiffs-Respondents,

-against-

M-5251
Index No. 652055/10

George N. Gillett, Jr., et al.,
Defendants,

The Royal Bank of Scotland, PLC,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 23, 2012 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated October 16, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
The AEG Liquidation Trust, etc.,
Plaintiff-Respondent,

-against-

M-5712
Index No. 650680/10

Toobro NY, LLC, et al.,
Defendants-Respondents,

-and-

Signature Bank,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 15, 2013 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed October 31, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
Ji Choi and Byung Kon Min,
Plaintiffs-Appellants,

-against-

M-5799
Index No. 101413/09

Camel Corporation, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 18, 2013 (mot. seq. nos. 004, 005),

Now, upon reading and filing the stipulation of the parties hereto, dated October 18, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

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

-----X
In the Matter of the Application of
Ruskin Associates, LLC,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the Family Court Act,

M-4855
Index No. 100287/11

-against-

The State of New York, Division of
Housing and Community Renewal, and
Sylvain Gilary,
Respondents-Respondents.

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 23, 2013,

And respondent, Sylvain Gilary, having moved for a preference in the hearing of the appeal, and for an order directing petitioner-appellant to expeditiously perfect of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated October 9, 2013, and due deliberation having been had thereon, it is

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
 Richard T. Andrias
 David B. Saxe
 Leland G. DeGrasse, Justices.

-----x
In re Gwendolyn Rossi, et al.,

Petitioners,

-against-

M-3061
Index No. 109625/10

New York State Office of Children and
Family Services,

Respondent.

-----x

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 24, 2012 (Appeal No. 7760),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Bernard Mitchell Alter, Esq. dated July 30, 2012, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

-----X

Glocao Search, LLC,

Plaintiff,

-against-

M-3871

Index No. 652488/13

Emily Kaeli, et al.,

Defendants.

-----X

Defendants having moved for an order modifying a temporary restraining order of Supreme Court, New York County, dated July 18, 2013,

Now, upon reading and filing the papers with respect to the motion, and correspondence from counsel for defendants-appellants, dated August 16, 2013, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

-----X
Joseph Lomanco, also known as
Joseph P. Lomanco,
Plaintiff-Appellant,

M-5568

M-5766

-against-

Index No. 100636/10

377 Greenwich, LLC, et al.,
Defendants-Respondents.

-----X
377 Greenwich, LLC, et al.,
Third-Party Plaintiffs,

-against-

Magnetic Construction Group Corp.,
Third-Party Defendant.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 1, 2013, and said appeal having been perfected,

And third-party defendant, Magnetic Construction Group Corp., having moved to strike certain portions of defendant-respondent Almar Plumbing & Heating Corporation's respondent's brief, and for related relief (M-5568),

And plaintiff-appellant having moved to withdraw their appeal (M-5766),

Now, upon reading and filing the papers with respect to the motions, and the stipulation of the parties, dated November 4, 2013, and due deliberation having been had thereon, it is

Ordered that third-party defendant's motion is deemed withdrawn (M-5568), and plaintiff's appeal, previously perfected for the September 2013 Term, is deemed withdrawn (M-5766) in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
The People of the State of New York
ex rel. Raheel Pervez,
Petitioner,

-against-

Warden, C. Vernon Bain Detention
Center,
Respondent.

M-5537

Index No. 260521/13

Ind. No. 1847/13

-----X

Petitioner having moved for leave to serve a late notice of appeal upon respondent Warden, and for related relief deeming the appeal timely taken from the order of the Supreme Court, Bronx County, entered on or about August 1, 2013, and for reduction of petitioner's bail 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 and, sua sponte, 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 December 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
David B. Saxe
David Friedman, Justices.

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

-against- **M-5161**
Ind. No. 3318/12

Steve Dow,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 16, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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) one transcript 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.

Lawrence Fleischer, Esq., c/o Gutlin & Jaffee, 100 Lafayette Street, Suite #404, New York, NY 10013, Telephone No. (212) 966-5897, 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 December 10, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Mark Crane,
Petitioner-Appellant,

-against-

M-5656
Index No. 156265/13

New York City Transit Authority,
Respondent-Respondent.
-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 10, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

-----X
In the Matter of the Commitment of

Brandon Michael R.,
also known as Brandon R.,

A Dependent Child Under the Age of 18 Years Pursuant to §384-b of the Social Services Law of the State of New York and/or Article 6 of the Family Court Act.

- - - - -
Little Flower Children and Family Services of New York,
Petitioner-Respondent,

M-5985
Docket No. B-750/09

Wandalee R.,
Respondent-Appellant.

- - - - -
Randall Carmel, Esq.,
Attorney for the Child Brandon Michael R., also known as Brandon R.,

Andrew Baer, Esq.,
Attorney for the Child Christopher Michael V., also known as Christopher V., also known as Christopher R.

-----X

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about August 24, 2012, and said appeal having been perfected,

And counsel for the children, Lawyers for Children, Inc. (Shirim Nothenberg, of counsel), having moved on the child's behalf for leave to respond to the appeal as a poor person, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, 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 respondent-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the April 2014 Term. (See M-5985A, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

-----X
In the Matter of the Commitment of

Christopher Michael V., also
known as Christopher V., also
known as Christopher R.,

A Dependent Child Under the Age of 18
Years Pursuant to §384-b of the Social
Services Law of the State of New York
and/or Article 6 of the Family Court
Act.

- - - - -
Little Flower Children and Family
Services of New York,
Petitioner-Respondent,

M-5985A
Docket No. B-751/09

Wandalee R.,
Respondent-Appellant.
- - - - -

Randall Carmel, Esq.,
Attorney for the Child Brandon
Michael R., also known as Brandon
R.,

Andrew Baer, Esq.,
Attorney for the Child Christopher
Michael V., also known as
Christopher V., also known as
Christopher R.

-----X

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about August 24, 2012, and said appeal having been perfected,

And counsel for the children, Lawyers for Children, Inc. (Shirim Nothenberg, of counsel), having moved on the child's behalf for leave to respond to the appeal as a poor person, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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 respondent-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the April 2014 Term. (See M-5985, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on December 10, 2013

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

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

-against-

Moses Santiago, M-5531
Defendant-Appellant. Ind. Nos. 4716/09
1026/10
227/12

-----X

An order of this Court having been entered on May 14, 2013 (M-1298), inter alia, assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 24, 2012, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 December 10, 2013

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

-----X

The People of the State of New York,
Respondent,

-against-

M-5534
Ind. No. 3858/08

Jeromi Vasquez,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 13, 2012 (M-649), inter alia, assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2011, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 December 10, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

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

-against-

M-4899
Ind. No. 4845/12

Marlon Clarke, also known as Marlon
Cornelius Clarke,
Defendant.

-----x

Defendant, pro se, having moved for leave to appeal from the judgment of the Supreme Court, New York County, rendered on or about March 25, 2013,

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 deeming the motion papers a timely filed notice of 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 December 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

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

-against-

M-5242

Ind. No. 6237/07

Edgar Carvajal,

Defendant.

-----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 August 5, 2008, 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 December 10, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----x
Tamara Howell,

Plaintiff-Respondent-Appellant,

-against-

M-6004

Index No. 310048/09

New York City Transit Authority,

Defendant-Appellant-Respondent.
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about August 30, 2013,

And defendant-appellant-respondent having moved for a stay of trial pending hearing and determination of the appeal and cross 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 the appeal is perfected for the April 2014 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 December 10, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-4581
Ind. No. 1000/12

Lataya Carter,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 12, 2013,

And defendant-appellant having moved for a stay of execution of judgment and/or bail, 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 December 10, 2013.

PRESENT: Hon. Luis A. Gonzalez,
Peter Tom
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark,

Presiding Justice,

Justices.

-----X
Madison 96th Associates, LLC,
Plaintiff,

-against-

Action No. 1
M-5252

Index No. 601386/03

17 East Owners Corp.,
Defendant.

-----X
17 East Owners Corp.,
Plaintiff,

-against-

Action No. 2

Index No. 108695/04

Madison 96th Associates, LLC and 21
East 96th Street Condominium,
Defendants.

-----X
Madison 96th Associates, LLC,
Defendant and Third-Party Plaintiff,

-against-

Action No. 3

Index No. 591089/05

Atlantic Demolition Corp.,
Third-Party Defendant.

-----X
Madison 96th Associates, LLC,
Third-Party Plaintiff,

-against-

Index No. 591089/05

Marson Contracting, Inc.,
Third-Party Defendant.

-----X
Madison 96th Associates, LLC,
Third-Party Plaintiff,

-against-

Index No. 590585/07

Illinois Union Insurance Company,
Third-Party Defendant.

-----X

-----X
 Madison 96th Associates, LLC,
 Third-Party Plaintiff-Respondent,

-against-

Index No. 590113/08

QBE Insurance Corporation,
 Third-Party Defendant-Appellant.
 -----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about May 9, 2013,

And third-party defendant-appellant QBE Insurance Corporation having moved for a stay of execution of the aforesaid judgment, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-4794
Ind. No. 818/11

Kendu Lopez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 21, 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 deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Avail Shipping, Inc., et al.,
Plaintiffs-Respondents,

-and-

M-5767
Index No. 600112/09

Shero Shipping, LLC, doing business as
United Shipping Solutions, et al.,
Plaintiffs-Intervenors,

-against-

DHL Express (USA), Inc.,
Defendant-Appellant.

-----X

Plaintiffs-respondents and plaintiff-intervenors having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about August 21, 2013 (mot. seq. no. 018), or in the alternative for appellate preference,

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

It is ordered that the motion is granted to the extent of dismissing the appeal unless perfected on or before February 18, 2014 for the May 2014 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 December 10, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Helen E. Freedman
Darcel D. Clark, Justices.

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

-against-

M-4455
Ind. No. 2309/01

Jose Martinez Baxin,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, rendered on or about August 14, 2012, and said appeal having been perfected,

And respondent having moved for dismissal 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, without prejudice to presentation of the argument on appeal, if so advised. Sua sponte, the appeal is adjourned to the February 2014 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 December 10, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Paul G. Feinman
Darcel D. Clark, Justices.

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

Appellant,

-against-

Joseph S. Formato,

Defendant-Respondent.
-----X

M-4626
Ind. No. 1409/11
Case No. 19079/11

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, Bronx County, entered on or about April 30, 2013, 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 District Attorney of said County and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as counsel for purposes of responding to 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 December 10, 2013.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

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

-against-

M-5762
Ind. No. 2503/10

James Margulies,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 9, 2011,

And defendant-appellant, through retained counsel Robert DiDio & Associates (Danielle Muscatello, of counsel), having moved for an enlargement of time to perfect the appeal, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief,

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

It is ordered that the motion is granted to the extent of 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's counsel 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 motion, to the extent it seeks an enlargement of time to perfect the appeal, is granted to the extent of deeming the appeal perfected for the February 2014 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 December 10, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Sheryl Menkes, as Administratrix
of the Estate of Dita Menkes,
Plaintiff-Appellant,

-against-

M-5513
Index No. 29302/02

Beth Abraham Health Services,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 8, 2013,

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 April 2014 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 December 10, 2013.

PRESENT - Hon: Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Suarna Mehulic,
Plaintiff-Appellant,

-against-

New York Downtown Hospital,
Defendant-Respondent.

M-5157/M-5265
M-5266/M-5549
Index No. 103297/08

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about May 23, 2012 (mot. seq. nos. 008 & 011), and from the order of said Court entered on or about June 28, 2013 (mot. seq. no. 015)

And plaintiff-appellant having moved by separate motions for an order staying the 3 orders being appealed, pending hearing and determination of said appeals (M-5157), for sanctions against defense counsel for "referencing hearsay evidence not in the record" in his appellate brief (M-5265), to strike from defendant's response brief all hearsay that is not in the record (M-5266), and for an enlargement of time to oppose these motions until November 6, 2013 (M-5549),

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

It is ordered that motions M-5157, M-5265 and M-5266 are denied, and M-5549 is denied as academic, the relief therein having been granted by an interim order of a Justice of this Court dated October 23, 2013.

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 December 10, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Solomon Holding Corp., et al.,
Petitioners-Respondents,

-against-

M-4496
Index No. 103120/12

Humphrey Stephenson and Elaine
Creta Davis-Stephenson,
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 8, 2013,

And respondent-appellant Elaine Creta Davis-Stephenson, pro se, having moved to stay any order directing the sale of a certain property, 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 on condition respondents perfect their appeal on or before January 27, 2014 for the April 2014 Term, without prejudice to respondents seeking relief with respect to the Solomon Holding Corp. lien before the Supreme Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

The People of The State of New York,
Respondent,

-against-

M-5039
Ind. Nos. 2237/09
1369/10

Michael Banano, also known as Michael
Bonano,

Defendant-Appellant.

-----X

An order of this Court having been entered on July 7, 2012 (M-2224), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2011, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And an order of this having been entered on March 28, 2013 (M-4558), granting defendant leave to file a pro se supplemental brief for the September 2013 Term; denying defendant's request to relieve assigned counsel and to substitute new counsel on the appeal; denying defendant permission to proceed pro se on said appeal, and adjourning the appeal to said September 2013 Term,

And an order of this Court having been entered on July 23, 2013 (M-2585A), inter alia, relieving assigned counsel on the appeal and striking the appellant's brief, permitting defendant-appellant to proceed pro se on the appeal, enlarging defendant-appellant's time to perfect said pro se appeal to the December 2013 Term, continuing the previously granted poor person relief, advising defendant-appellant that the pro se appeal will not be heard until minutes previously forwarded are returned to the Clerk's office of this Court, and otherwise denying the motion,

And defendant-appellant having moved for "acknowledgment and adjudication" of defendant-appellant's previous request for summary reversal or a reconstruction hearing", for renewal and reargument of the prior order of this Court entered on July 23, 2013 (M-2585A), and for related relief,

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

It is ordered that the motion is granted only to the extent of enlarging defendant-appellant's time to perfect his pro se appeal to the May 2014 Term, to which Term the appeal is adjourned. Defendant-appellant is advised that the appeal will not be heard until previously forwarded minutes are returned to the Clerk's office of this Court. The motion, including any and all related relief requested, 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 December 10, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Ebony Smith,

Plaintiff-Appellant,

-against-

Socrates Beriquette, et al.,

Defendants-Respondents.
-----X

M-5204

Index No. 17678/07

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about November 13, 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 December 10, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Annette Collins,

Plaintiff-Appellant,

-against-

M-5218

Index No. 306007/10

Riverside Management Corporation
and Twin Parks Northwest Houses, Inc.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 23, 2013,

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 December 10, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In the Matter of

Isaiah M.,
Joshua M.,
and Isis Nellie Marie M.,

M-4807

Docket Nos. B-32215-17/11

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

Heart Share Human Services of New York, et al.,
Petitioners-Respondents,

Deeanna C.,
Respondent-Appellant.

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

-----X

An appeal having been taken from orders of the Family Court, New York County, entered on or about February 5, 2013, and said appeal having been perfected,

And petitioners-respondents having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated October 17, 2013, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Paul G. Feinman, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Vincent Chambers,
Defendant-Appellant.

M-4434
M-4949
Ind. No. 2481/00

-----X

A decision and order of this Court having been entered on May 13, 2003 (Appeal No. 1128), unanimously affirming a judgment of the Supreme Court, Bronx County (Stadtmauer, J.), rendered on September 17, 2001,

And defendant-appellant having moved by separate motions (M-4434/M-4949) for relief 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, including the correspondence from defendant-appellant dated August 20, 2013 and October 3, 2013, and due deliberation having been had thereon,

It is ordered that the motions are deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Mark L. Lubelsky and Mark L. Lubelsky
and Associates,
Plaintiffs-Respondents,

-against-

M-5198
Index No. 153369/13

Sidney Sims,
Defendant-Appellant.

-----X

Defendant-appellant, Sidney Sims, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about October 9, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Karen Leitner and Arthur Leitner,
Plaintiffs-Appellants,

-against-

M-5178
Index No. 101499/11

304 Associates, LLC, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about February 26, 2013,

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 April 2014 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 December 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Moses Kamara,
Plaintiff-Appellant,

-against-

M-5672
Index No. 104324/11

Markham Gardens LP, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 24, 2013,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated October 15, 2013, 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 April 2014 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 December 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of the Application of

Joseph Modlin,
Petitioner-Appellant,

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

M-5723
Index No. 103427/12

-against-

Raymond Kelly, as Police Commissioner
of the City of New York, and as
Chairman of the Board of Trustees
of the Police Pension Fund, Article II
and the Board of Trustees of the Police
Pension Fund Article II,
Respondents-Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 11, 2013, to review a determination of respondents,

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

Now, upon reading and filing the papers with respect to said 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 the May 2014 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 December 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
RAM I LLC,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78 M-4408
of the Civil Practice Law and Rules, Index No. 114412/11

-against-

New York State Division of Housing and
Community Renewal and Phyllis Berk,
Respondent-Appellant.

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 4, 2012, and said appeal having been perfected,

And petitioner-respondent having moved for dismissal of the aforesaid appeal or, in the alternative, to extend their time to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the February 2014 Term, without prejudice to raising the issue concerning mootness directly on appeal, if so advised.

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 December 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
Sherwin Skeet,
Plaintiff-Appellant,

-against-

M-4787
Index No. 570662/98

Department of Consumer Affairs and
Pathways to Housing,
Defendants-Respondents.

-----X

Orders of this Court having been entered on June 24, 2011 (M-1786), October 13, 2011 (M-3429) and August 28, 2013 (M-3322), denying plaintiff leave to prosecute, as a poor person, an appeal taken from an order of the Supreme Court, New York County, entered on or about February 28, 2011,

And plaintiff having moved for clarification of the aforesaid order of this Court entered on August 28, 2013 (M-3322),

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. The Clerk is directed not to accept further motions filed by plaintiff-appellant in this case without plaintiff-appellant obtaining prior leave of 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 December 10, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4866
Ind. No. 3016/06

Marcos Llibre,
Defendant-Appellant.

-----X

Leave to appeal to this Court from the order of Supreme Court, New York County, entered on or about June 27, 2013, having been granted by a certificate of a Justice of this Court, entered September 17, 2013,

And defendant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about June 27, 2013, 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) one transcript 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 December 10, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Virtudes Fernandez,
Plaintiff-Respondent,

-against-

M-5566
Index No. 302493/11

RDM Transportation Inc., et al.,
Defendants-Appellants,
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about December 26, 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 to the extent of enlarging the time to perfect the appeal to the April 2014 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 December 10, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Continental Casualty Co.,
Plaintiff,

National Union Fire Insurance Co. of
Pittsburgh, PA.,
Plaintiff-Respondent,

-against-

M-5268
M-5774

Quality King Distributors, Inc.,
Pro's Choice Beauty Care, Inc.,
Glenn Nussdorf and Marcy J. Blick,
Defendants-Appellants. Index No. 602459/02

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about July 23, 2013 (mot. seq. no. 003),

And defendants-appellants having cross-moved for an enlargement of time to perfect the appeal,

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 dismissing the appeal unless perfected on or before February 18, 2014 for the May 2014 Term (M-5268). The cross motion is granted to the extent of enlarging the time to perfect said appeal to the May 2014 Term accordingly (M-5774).

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 December 10, 2013.

Present: Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In re: Mary Ginther,

Petitioner-Appellant,

-against-

Raymond Kelly, etc., et al.,

Respondents-Respondents.

-----X

M-5538

Index No. 112272/11

Petitioner-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on September 24, 2013 (Appeal No. 10566),

Now, upon reading and filing the papers with respect to the motion, and correspondence from counsel for petitioner-appellant, dated October 30, 2013, and the stipulation of the parties dated November 11, 2013 and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Paul G. Feinman, Justices.

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

-against-

M-5593
Ind. No. 1312/13

Walter C. Peterson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 21, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

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

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

-against-

M-4902
Ind. No. 1205/12

Emmanuel Cherry,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 21, 2013, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as timely filed and 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) one transcript 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.

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 December 10, 2013.

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

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

-against- M-4900
Ind. No. 3120/09
Joel Cruz, Case No. 30639C/09
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, Bronx County, rendered on or about August 5, 2013, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 10, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Paul G. Feinman, Justices.

-----x
325 Wadsworth Realty, LLC,
Plaintiff-Respondent,

M-5237

-against-

Index No. 603339/09

J. Klein Associates, et al.,
Defendants-Appellants,

American International Specialty Lines
Insurance Company,
Defendant.

- - - - -
J. Klein Associates, LLC,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590443/10

Program Brokerage Corporation,
Third-Party Defendant-Respondent.
-----x

Defendant/third-party 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 2, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2014 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 December 10, 2013.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Paul G. Feinman, Justices.

-----x
225 East 64th Street, LLC,
Plaintiff-Appellant,

-against-

M-5333
M-5667
Index No. 651095/10

Janet H. Prystowsky, M.D.P.C.,
Defendant-Respondent.

- - - - -
[And a third-party action]

-----x
Defendant-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about June 20, 2013, as untimely taken (CPLR 5513[a]),

And plaintiff-appellant having cross-moved for an extension of time to file a notice of appeal (CPLR 5520[a]),

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

It is ordered that the motion and cross motion are granted only to the extent of referring the matter to the N.Y. County Special Referees Part (SRP) for a traverse hearing in Supreme Court, New York County, to hear and determine with respect to the issue of service of plaintiff's notice of appeal on July 12, 2013, with leave to the respective parties to move in this Court to confirm or disaffirm the referee's decision.

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 December 10, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Mike Henriquez,

Claimant-Appellant,

-against-

The State of New York,

Defendant-Respondent.
-----X

M-5630
Claim No. 120637

An order of this Court entered on June 18, 2013 (M-2028), denying claimant-appellant's motion for leave to prosecute, as a poor person, the appeal from an order of the Court of Claims, entered on or about November 30, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

And claimant-appellant having moved for renewal of so much of the aforesaid order of this Court, entered on June 18, 2012 (M-2028), which seeks exemption from certain filing fees,

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 December 10, 2013.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----x
Stanley Cohen,
Plaintiff-Appellant-Respondent,

-against-

M-5869
Index No. 303123/09

Pauline Cohen,
Defendant-Respondent-Appellant.
-----x

Consolidated appeals and cross appeal having been taken from orders of the Supreme Court, New York County, entered on or about April 16, 2012, April 30, 2012, May 9, 2012, June 14, 2012, August 14, 2012, respectively, and from the Judgment of Divorce of said Court entered on or about May 9, 2013; and an appeal having been taken by defendant from the Post Divorce Judgment of said Court, entered on or about May 30, 2013, and plaintiff having taken a cross appeal from said Post Divorce Judgment,

And an order of this Court having been entered on October 31, 2013 (M-4731), inter alia, granting a stay of the judgment of divorce of said Court entered on or about May 9, 2013 on condition plaintiff pay defendant taxable maintenance of \$10,000 per month and maintain the life insurance provision benefitting defendant, said coverage to be maintained in the amount of \$600,000, and upon further condition the appeal be perfected for the February 2014 Term,

And an order of this Court having been entered on November 26, 2013 (M-4731A), inter alia, recalling and vacating the order of this Court entered October 31, 2013 (M-4731), granting a stay of the judgment of divorce upon the conditions as specified in the order of this Court entered November 26, 2013, and upon further condition the consolidated appeals be perfected for the May 2014 Term,

And defendant having moved for reargument and/or clarification of the order of this Court entered on October 31, 2013 (M-4731),

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 December 10, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

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

-against-

M-4698
Ind. No. 1459N/09

Apolinar Paniagua,
Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 13, 2010, for failure to timely perfect,

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

It is ordered that the motion is denied and, sua sponte, the time to perfect the appeal is enlarged to the May 2014 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 December 10, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Stroud Productions and Enterprises, Inc.
and Scarlett B. Stroud,
Plaintiffs-Appellants,

-against-

BMG Music and Steven Ames Brown,
Defendants-Respondents.

M-5184
Index No. 601798/05

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 13, 2011 (mot. seq. no. 006),

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from taken therefrom,

Now, upon reading and filing the papers with respect to the motion, including the motion papers and exhibits from Charles W. Robinson, Esq. dated September 24, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2014 Term. Sua sponte, the instant caption is amended to substitute Scarlett P. Stroud as plaintiff-appellant in place of Andrew B. Stroud, in accordance with the order of the Supreme Court, New York County, entered on June 21, 2013.

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 December 10, 2013.

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

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

-against-

M-4677
Ind. No. 1653/12
Case No. 20308C/12

Wilson Salazar,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 22, 2013, 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) one transcript 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 December 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X

Orly Genger, in her individual capacity
and on behalf of the Orly Genger 1993
Trust (both in its individual capacity
and on behalf of the D & K Limited
Partnership),
Plaintiff-Respondent,

M-5751
M-5936
Index No. 109749/09

-against-

Dalia Genger, Sagi Genger, Leah
Fang, D&K GP LLC and TPR Investment
Associates, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken by defendants-appellants Sagi Genger and TPR Investment Associates, Inc., from an order of the Supreme Court, New York County, entered on or about May 31, 2013 (mot. seq. No. 016), and said appeal having been perfected,

And defendants-appellants having moved for an order enlarging the record on appeal by adding to it certain documents (M-5751),

And plaintiff-respondent having cross-moved for an order striking all references in defendants' reply brief to the subject documents, or for related relief (M-5936),

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 enlarge the record on appeal is denied (M-5751). The cross-motion is granted to the extent of striking portions of defendants' reply brief which refer to the non-record material sought to be included in the record by appellants' aforesaid motion [M-5751] (M-5936). Defendants-appellants are directed to file a redacted reply brief forthwith.

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 December 10, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
21 Group, Inc., doing business as
Gypsy Rose,
Petitioner-Respondent,

-against-

M-5977
Index No. 103932/12

New York State Liquor Authority,
Respondent-Appellant.

- - - - -
Office of New York State AssemblyMember
Aravella Simotas,
Amicus Curiae.

-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 24, 2013, and said appeal having been perfected,

And New York State AssemblyMember Aravella Simontas having moved for leave to file a brief as 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 movant is directed to file nine copies of the brief as amicus curiae forthwith.

ENTER:


CLERK