

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 March 28, 2013.

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

-----X

Certain Underwriters at Lloyd's  
severally subscribing shares of  
certain policies listed herein,  
et al.,

**M-156X**  
Index No. 651032/11

Plaintiffs-Respondents,

-against-

BDO Seidman LLP, now known as BDO  
USA, LLP,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 2, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 28, 2013.

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

-----X  
Simon Kearney,

Plaintiff-Respondent,

**M-157X**

Index No. 651389/11

-against-

John Ian Conroy, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 29, 2012 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 28, 2013.

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

-----X

Richard Gennarelli,

Plaintiff-Respondent,

-against-

**M-250X**

Index No. 301943/07

L.A.D. Realty, Inc., et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 10, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 14, 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 March 28, 2013.

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

-----X  
The Huff Alternative Fund, L.P., and  
The Huff Alternative Parallel Fund,  
L.P. derivatively on behalf of FX Real  
Estate and Entertainment Inc.,  
Plaintiffs-Appellants,

-against-

M-608X  
Index No. 650338/10

Paul C. Kanavos, et al.,  
Defendants,

FX Real Estate and Entertainment Inc.,  
Nominal Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 26, 2011 (mot. seq. nos. 001-003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 30, 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 March 28, 2013.

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

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - -  
Anabel Maria P., M-5385  
Petitioner-Respondent, Docket No. 0-14485/11  
  
-against-

Derek Jacob C.,  
Respondent-Appellant.  
-----X

An appeal having been taken from a temporary Order of Protection of the Family Court, Bronx County, entered on or about October 6, 2011,

And respondent-appellant having moved to withdraw 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 appeal is granted to the extent of deeming the appeal withdrawn, said Order having been superceded by a subsequent and final Order of Protection of said Court entered on or about October 10, 2012.

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 March 28, 2013.

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

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

-----  
Anna Y. S., Joseph P.S., and Vincent S., **M-6001**  
Petitioners-Respondents, Docket No. V-10525/08

-against-

New York City Administration for  
Children's Services and Melina Begun,  
Respondents,

Jeffrey K. and Karneya A-K.,  
Intervenor-Appellants.

-----X  
An appeal having been taken from an order of the  
Supreme Court, New York County, entered on or about May 22,  
2012,

And petitioner-respondent having moved for an order  
striking appellants' appendix,

Now, upon reading and filing the papers with respect  
to the motion, including the correspondence from Jerald D.  
Kreppel, Esq. dated January 10, 2013 and the stipulation of the  
parties, dated January 10, 2013, and due deliberation having been  
had thereon, it is

Ordered that the motion is deemed withdrawn in  
accordance with the aforesaid correspondence and 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 March 28, 2013

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

-----X  
In the Matter

Abrianna O.,  
Alexander O.,  
and Radames S.,

**M-463**

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

Docket Nos. NA28349/09  
NA28350/09  
NA28351/09

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

Maria I.,  
Respondent-Appellant.

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

-----X  
Appeals having been taken from orders of the Family Court, Bronx County, entered on or about April 20, 2012 and October 17, 2012, respectively,

And respondent-appellant having moved to withdraw the appeal from the aforesaid order entered on or about April 20, 2012,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, filed January 23, 2013, and due deliberation having been had thereon,

It is ordered that the appeal taken from the order entered on or about April 20, 2012 is withdrawn in accordance with the aforesaid stipulation. The appeal taken from the order entered on or about October 17, 2012 remains extant.

ENTER:

  
CLERK



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

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

(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.**

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 March 28, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Rolando T. Acosta  
David B. Saxe, Justices.

-----X

Julie Conason, et al.,  
Plaintiffs-Respondents,

-against-

**M-1087**

**M-1088**

Index No. 106560/11

Megan Holding, LLC, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 17, 2012 (mot. seq. nos. 005 and 006),

And an order of this Court having been entered on January 10, 2013 (M-5742), granting defendants-appellants a stay on condition an undertaking be posted in the amount of \$67,449.19,

And defendants-appellants having complied with said condition by posting a bond, denoted a "stay bond", for the required amount in Supreme Court, New York County, on February 20, 2013,

And defendants having moved to enforce this Court's existing stay (M-1087),

And plaintiffs having cross-moved for the vacatur of the aforesaid stay, or for alternative relief (M-1088),

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

Ordered that defendants' motion is granted to the extent of confirming the extant stay (M-1087). The cross motion is denied (M-1088).

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 March 28, 2013.

Present : Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X

CDR Crèances S.A.S.,  
Plaintiff-Appellant,

-against-

First Hotels & Resorts Investments,  
Inc., also known as Les Premiers  
Investissements Hoteliers &  
Villegiature, Inc.), et al.,  
Defendants-Respondents,

**M-353**  
**M-354**  
**M-212**  
**M-364**  
Index No. 650084/09E

Board of Managers of the Trump World  
Tower Condominium, et al.,  
Defendants.

-----X

A decision and order of this Court having been entered on December 13, 2012, unanimously affirming the order of the Supreme Court, New York County, entered on or about May 8, 2012 (Appeal No. 8835N),

And plaintiff-appellant having moved for reargument of the aforesaid appeal (M-353),

And plaintiff-appellant having moved by separate notice of motion for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court (M-354),

And defendants-respondents, First Hotels & Resorts Investments, Inc., also known as Les Premiers Investissements Hoteliers & Villegiature, Inc., having moved for reargument and clarification of the aforesaid decision and order of this Court (M-212),

And defendant-respondent, HSBC Bank USA, N.A.,  
having moved for an extension of time to file a response to  
CDR Crèances S.A.S's motion for leave to appeal to the Court  
of Appeals (M-364),

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 (M-353/M-354/M-212) are  
denied. Motion (M-364) is denied as unnecessary the requested  
relief having been granted by an order of a Justice of this Court  
on January 22, 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 March 28, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-213  
Ind. No. 269/87

Carlos Rodriguez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 10, 2012, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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 March 28, 2013.

Present - Hon. Peter Tom,	Justice Presiding,
Karla Moskowitz	
Rosalyn H. Richter	
Sallie Manzanet-Daniels	
Darcel D. Clark,	Justices.

-----X

In the Matter of

Harrhae Y., and  
Michael Y.,

Children Under 18 Years of Age	M-260
Alleged to be Neglected and/or Abused	Docket Nos. NN-10744/11
Under Article 10 of the Family Court Act.	NN-10745/11

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

Shy-Macca Ernestine B.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeals from the Order of Fact-Finding and Order of Disposition of the Family Court, Bronx County, entered on or about September 10, 2012 and January 9, 2013, respectively, 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, Steven N. Feinman, Esq., One North Broadway, Ste. 412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

---

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 28, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-257  
Ind. No. 4682/11

Mark Grassi,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Ward, J.), entered on or about January 4, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Ward as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 March 28, 2013.

Present - Hon. Peter Tom,	Justice Presiding,
David B. Saxe	
Karla Moskowitz	
Sheila Abdus-Salaam	
Judith J. Gische,	Justices.

-----X

In the Matter of the Commitment of

Dayjore Isaiah M., also known as  
Dayjore M., and Dyshawn Joshua  
Emmanuel M., also known as  
DyShawn M.,

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

- - - - -

Lutheran Social Services of New  
York, et al.,

Petitioners-Respondents,

M-5805

Docket No. B-28023/09  
B-28024/09

Dominique Shaniqua M., also known as  
Dominique M.,  
Respondent-Appellant.

- - - - -

Frederic P. Schneider, Esq.,  
Attorney for the Children.

-----X

Counsel for the subject children, Mina McFarlane, Esq., having moved on said children's behalf for leave to respond, as a poor persons, to the appeal from the order of the Family Court, Bronx County, entered on or about September 28, 2012, 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, Frederic P. Schneider, Esq., Ballon Stoll Bader & Nadler, 729 Seventh Avenue, 17<sup>th</sup> Floor, New York, NY 10019, Telephone No. 212-575-7900, as counsel for purposes of responding to the appeal; (2) permitting movant(s) 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.

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 March 28, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

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

-against-

M-429  
Index No. 1580/03

Luis J. Rodriguez, also known as  
Luis Rodriguez-Castillo,  
Defendant-Appellant.

-----x

Defendant-appellant having moved, through retained counsel, for an enlargement of time to perfect the appeals from the judgment and judgment of **resentence** of Supreme Court, New York County, rendered on or about February 26, 2009 and April 29, 2009, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the September 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 March 28, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

TADCO Construction Corp.,  
Plaintiff-Appellant,

-against-

M-1107  
Index No. 600039/07

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

-----X

Plaintiff-appellant having moved for an enlargement of time to file a motion for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 29, 2012 (Appeal No. 7243),

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 make the aforesaid motion for leave to appeal to the Court of Appeals to on or before April 22, 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 March 28, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X  
In the Matter of the Application of  
Tenants Committee of 36 Gramercy Park,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-1174**  
of the Civil Practice Law and Rules, Index No. 116069/10

-against-

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

-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 having moved for an order pursuant to CPLR 5522(a) remanding this matter to New York State Division of Housing and Community Renewal for rehearing, 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. Sua sponte, the aforesaid appeal is adjourned to the June 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 March 28, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X  
In re Kalonji Mahon,

Petitioner,

-against-

M-459  
Index No. 4569/10

Hon. Michael A. Gross, et al.,

Respondent.

-----X

Petitioner having moved for reargument or reconsideration  
the decision and order of this Court entered on November 27, 2012  
(Appeal No. 8680/[M-4676]),

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 March 28, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X  
Edgecombe Plumbing & Heating, Inc.  
and Alan Mitchell,

Petitioners,

M-1127  
Index No. 100318/13

-against-

New York City Department of Buildings,

Respondents.

-----X

Petitioner having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about February 14, 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 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 March 28, 2013.

Present - Hon. Angela M. Mazzarelli,	Justice Presiding,
Rolando T. Acosta	
Helen E. Freedman	
Rosalyn H. Richter	
Judith J. Gische,	Justices.

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

Respondent,

-against-

M-376  
Ind. No. 5134N/10

Pedro Espitaleta,

Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 26, 2011, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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 March 28, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5348  
Ind. No. 3352/84

Carlos Ramos, also known as Gary  
Thomas,

Defendant.

-----X

An order of this Court having been entered on September 8, 2011 (2238), denying defendant's motion for reinstatement of the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 6, 1985,

And defendant having renewed his motion for an order reinstating his appeal, and for related relief,

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

Ordered that 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 March 28, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Nelson S. Román  
Darcel D. Clark, Justices.

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

-against-

M-4558  
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 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 defendant-appellant having moved for an order relieving assigned counsel and substituting other counsel to prosecute the appeal or, in the alternative, for permission to proceed pro se on the appeal,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 28, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Dianne T. Renwick  
Darcel D. Clark, Justices.

-----X  
Clara A. Steene Sharma and Charles W.  
Steene, Jr.,

Plaintiffs-Appellants,

-against-

M-5730  
Index No. 300056/06

Robert A. Cohen, R.A., R.A. Cohen  
& Associates, et al.,

Defendants-Respondents.

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

Plaintiffs-appellants having moved for and extension of time 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 June 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 deemed one for leave to appeal from the Appellate Term and, as such, 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 March 28, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

Respondent,

-against-

M-231  
Ind. No. 2352N/11

Lamont McCorkle,

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 24, 2012,

And defendant-appellant having moved for a continuation of the stay of execution of sentence granted by an order of a Justice of Supreme Court, New York County on September 24, 2012, pending hearing and determination of the aforesaid appeal, and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of continuing the aforesaid stay of execution of sentence granted on September 24, 2012 upon the same terms and conditions, and upon condition that the appeal is perfected on or before July 8, 2013 for the September 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 March 28, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Yanina Rivera, an Infant by her  
Mother and Natural Guardian, Carmen  
Hernandez,

Plaintiff-Appellant,

-against-

M-9  
Index No. 350665/07

K. Jothianandan, M.D.,  
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 November 20, 2012 (Appeal Nos. 8649, 8650),

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 March 28, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----x  
Diego De La Rosa and Otar Kukhalashvili,  
Individually and on behalf of others  
similarly situated,  
Plaintiffs-Appellants,

-against-

M-1245  
Index No. 653424/11

All Taxi Management, Inc.,  
Defendant-Respondent-Appellant.

-----x  
Haroon Rashid, Individually and on  
behalf of all others similarly situated,  
Plaintiff-Appellant,

-against-

Index No. 653426/11

B. Taxi Management, Inc.,  
Defendant-Respondent.

-----x  
Khalid Pervaiz, Individually and on  
behalf of all others similarly situated,  
Plaintiff-Appellant,

-against-

Index No. 450220/12

Queens Medallion Leasing, Inc.,  
Defendant-Respondent-Appellant.

-----x  
Henry Desmangles, Individually and on  
behalf of all others similarly situated,  
Plaintiff-Appellant,

-against-

Index No. 643423/11

Woodside Management Inc.,  
Defendant-Respondent.

-----x

Appeals and cross appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about August 17, 2012 (mot. seq. no. 004) and from an order of the same Court and Justice entered on or about August 28, 2012 (mot. seq. no. 004), respectively, and said appeals and cross appeals having been perfected,

And defendants-respondents Diego De La Rosa, Haroon Rasid and Khalid Pervaiz having moved for consolidation of the aforesaid appeals and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties filed on March 21, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of directing the Clerk of the Court to calendar the aforesaid appeals and cross appeals for hearing together on the same day in the June 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 March 28, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

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

-against-

M-119  
Ind. No. 47/12

Arlester Saxon, also known as  
JD Denim,  
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 November 19, 2012, 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) 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.

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 March 28, 2013.

Present: Hon. Richard T. Andrias Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

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

- - - - -

Azmara N. G.,	<b>M-264</b>
Petitioner-Appellant,	Docket Nos. V-6352/11
	V-6353/11

-against-

Jessica Stephanie S., et al.,  
Respondents-Respondents.

-----  
Betsy Kramer, Esq.,  
Lawyers for Children, Inc.,  
Attorney for the Children.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about September 19, 2012 and November 9, 2012, respectively, 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, Leslie S. Lowenstein, 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 28, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

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

- - - - -  
Karen Michelle F., Docket Nos. V-29959-10/11B  
Petitioner-Respondent, V-29959-10/11C  
  
-against-

Wilfredo C.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 27, 2012, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;**

---

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

(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.**

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 March 28, 2013.

Present - Hon. Richard T. Andrias,	Justice Presiding,
John W. Sweeny, Jr.	
Helen E. Freedman	
Paul G. Feinman	
Judith J. Gische,	Justices.

-----X  
In the Matter of

Will V.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-651  
Docket No. D-28240/11

Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about January 10, 2013, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 718-883-1560, 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 State of New York from funds available therefor;<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant 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.**

ENTER:



CLERK

---

<sup>1</sup>Service of appellant's brief upon respondent 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 March 28, 2013.

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

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

-against-

M-5910A  
Ind. No. 2755N/11

Bernard Hurtado, also known as  
Bernardo Huertado,  
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 February 9, 2012, 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 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 serve one copy of such brief upon the District Attorney of said county and file copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Defendant-appellant's time in which to perfect the appeal is hereby enlarged to the September 2013 Term. The order of this Court entered on March 7, 2013 (M-5910) 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 March 28, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X  
Wesbeth Corp., HDFC Inc.,  
Petitioner-Landlord-Appellant,

-against-

M-242  
Index No. 570633/10

Ramscale Productions, Inc., et al.,  
Respondents-Tenants-Respondents,

"XYZ Corp", "John Doe" and "Jane Doe",  
Respondents-Undertenants.

-----X

Petitioner-landlord 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 September 7, 2012,

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

It is ordered that the motion is granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules 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 March 28, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X

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

-----  
Patricia P.,  
Petitioner-Respondent,

**M-807**

Docket No. V-15579/10

-against-

David J. M., Jr.,  
Respondent,

Lovenia B.,  
Respondent-Appellant.

-----X

Respondent, David J. M., Jr., having moved for leave to  
respond, as a poor person, to the appeal from the orders of the  
Family Court, New York County, entered on or about May 29, 2012  
and January 28, 2013, 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 denied, as academic.  
(See M-647, entered March 26, 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 March 28, 2013.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Nelson S. Román, Justices.

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

-against-

M-200  
Ind. No. 298/11

Joel Gudino-Sanchez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Tallmer, J.), entered on or about January 2, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Tallmer as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 March 28, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Raisa Lopez and Juan S. Lopez,  
Plaintiffs-Respondents,

-against-

M-909  
Index No. 109440/11

Alfonso Dental Office, P.C. and  
Carlos Alfonso, DDS,  
Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 11, 2013, and said appeal having been perfected,

And defendants-appellants having moved for a stay of all proceedings, including trial, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 28, 2013.

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

-----X  
CSFB 2004-C3 Bronx Apts LLC,  
Plaintiff-Appellant-Respondent,

-against-

M-3551  
Index No. 380163/11

Sinckler, Inc.,  
Defendant-Respondent-Appellant,

Baron Associates LLC, et al.,  
Defendants.

-----X

Defendant-respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 28, 2012 (Appeal No. 8032),

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 March 28, 2013.

Present: Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

69 West 9 Owners Corp., et al.,  
Plaintiffs-Respondents-Appellants

**M-893**

-against-

Index No. 106005/10

Admiral Indemnity Company,  
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 24, 2011, and said appeal having been perfected, and defendant, Admiral Indemnity Company, having perfected the cross appeal as the direct appeal,

And plaintiffs, 69 West 9 Owners Corp., et al., having moved for an enlargement of time to perfect its appeal, for leave to amend the record on appeal to include plaintiffs' notice of appeal and pre-argument statement, 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 perfected appeal of Admiral Indemnity Company to be the direct appeal and adjourning said perfected appeal to the September 2013 Term; designating plaintiffs' appeal as the cross appeal; directing plaintiffs to file its respondents-appellant's brief on or before August 7, 2013 for said September 2013 Term; and granting plaintiffs leave to submit at their own expense a cross-appellant's appendix containing their notice of appeal and pre-argument statement.

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 March 28, 2013.

Present - Hon. John W. Sweeny, Jr.,                      Justice Presiding,  
                 David B. Saxe  
                 Leland G. DeGrasse  
                 Sheila Abdus-Salaam  
                 Paul G. Feinman,                      Justices.

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

-against-

M-103  
Ind. No. 3546/00

John Jones,  
                 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 December 21, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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 March 28, 2013.

Present - Hon. John W. Sweeny, Jr.,            Justice Presiding,  
             David B. Saxe  
             Leland G. DeGrasse  
             Sheila Abdus-Salaam  
             Paul G. Feinman,                    Justices.

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

Respondent,

-against-

M-283  
Ind. No. 2608/11

Mark Simmons,

Defendant-Appellant.

-----x  
Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 10, 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 September 2013 Term.

ENTER:

  
CLERK