

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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

James A. Schoonover, et al.,
Plaintiffs-Respondents,

-against-

M-1600X
Index No. 650192/10

Massachusetts Mutual Life Insurance
Company, 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 24, 2013 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated March 27, 2014, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Stilwell Value Partners II, L.P.,
et al.,
Plaintiffs-Appellants,

-against-

M-1601X
Index No. 650896/13

D.F. King & Co., Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 27, 2013 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 31, 2014, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
George Sykes,
Plaintiff-Respondent,

-against-

M-1604X
Index No. 313085/10

Amanda Ann Crider Sykes,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 15, 2013 (mot. seq. no. 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 31, 2014, 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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-1609
Ind. No. 935/13

Daniel Anazlone,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 10, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated March 31, 2014, 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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-1610
Ind. No. 2319/12

Kyle Wilson,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 18, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated March 27, 2014, 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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Fausto Pereira Lima, III,
Plaintiff-Appellant,

-against-

M-1648X
Index No. 350054/12

Atalita Morais Lima,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 18, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 3, 2014, 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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Bruce Ranger and Lester Williams,
Plaintiffs-Respondents,

-against-

M-1649X
Index No. 350052/11

Norma Vega, et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 5, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 1, 2014, 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 May 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Echostar Satellite L.L.C.,
Plaintiff-Appellant,

-against-

M-1153
Index No. 600282/08

ESPN, Inc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about November 14, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated March 6, 2014, 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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

A&M East Broadway LLC, et al.,
Plaintiffs-Respondents,

-against-

M-1590

Index No. 117746/09

Hong Kong Supermarket, Inc.,
Defendant-Appellant,

PCK Realty, Inc.,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 7, 2013 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated March 27, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2014 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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

Charles Geyer and Marie Geyer,
Plaintiffs-Appellants,

-against-

M-1624

Index No. 106359/10

Plaza Construction Corp., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 5, 2013 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated April 2, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2014 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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-6208
Ind. No. 424/10

Jorge Beato,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 24, 2011,

Now, upon reading and filing the correspondence from Mark W. Zeno, Esq., dated January 7, 2014, 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 May 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Milton James,
Plaintiff-Respondent-Appellant,

-against-

M-1647X
Index No. 307805/08

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

Appeals and a cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 6, 2013, and appeals having been taken from a judgment of the Supreme Court, Bronx County, entered on or about February 3, 2014, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 3, 2014, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal 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 May 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Carlos Severino,
Plaintiff-Respondent,

-against-

M-366
Index No. 20597/04

Brookset Housing Development Fund
Corporation, et al.,
Defendants-Respondents.

-----X
Settlement Housing Fund, Inc., et al.,
Third-Party Plaintiffs-Respondents,

-against-

Third-Party
Index No. 85035/06

MC&O Construction Inc.,
Third-Party Defendant-Appellant.

-----X
Brookset Housing Development Fund
Corporation,
Second Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 85039/06

MC&O Construction Inc.,
Second Third-Party Defendant-Appellant.

-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about November 25, 2013 and April 12, 2013, respectively,

And non-party proposed intervenor-appellant American Home Assurance Company ("American Home") having moved for, inter alia, a stay of the orders of said Court, and other relief,

Now, upon reading and filing the stipulation of the parties hereto, dated February 18, 2014, and due deliberation having been had thereon,

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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

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 May 6, 2014.

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

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

-against-

M-1122
Ind. No. 7741/01

Robert Williams,
Defendant-Appellant.

-----x

An order of this Court having been entered on November 14, 2013 (M-4753) dismissing the appeal from the order Supreme Court, New York County, entered on or about November 19, 2012, denying **resentence**,

And defendant-appellant having moved to reinstate the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Thomas Mitchell,
Petitioner,

-against-

Katrina Wright,
Defendant.

M-947
Index No. 114804/10

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 3, 2012 (mot. seq. no. 003), and for leave to prosecute appeal as a poor person, and related relief,

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

It is ordered that the motion is denied in its entirety.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-6702
Ind. No. 6344/04

Willie Richardson,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 30, 2008 (Appeal No. 4919), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie G. Wittner, J.), rendered on January 5, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 6, 2014.

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

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

Javon Lawrence M., also known as
Javon M., also known as
Javon P.,

A Child Under 14 Year of Age Alleged to be Neglected Pursuant to Article 6 of the Family Court and §384-b of the Social Services Law of the State of New York.

- - - - -
SCO Family of Services, et al., M-1670
Petitioners-Respondents, Docket No. B-26346/11

Priscilla P.,
Respondent-Appellant.

- - - - -
Thomas Caruso, Esq.,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about February 19, 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 is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel R. Katz, Esq., 339 West 88th Street, Apt. #3, New York, NY 10024, Telephone No. 917-886-5620, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court** (See M-1265, decided simultaneously herewith).

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 6, 2014.

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

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

Javon Lawrence M., also known as
Javon M., also known as
Javon P.,

A Child Under 14 Year of Age Alleged to be Neglected Pursuant to Article 6 of the Family Court and §384-b of the Social Services Law of the State of New York.

SCO Family of Services, et al.,
Petitioners-Respondents,

M-1265
Docket No. B-26346/11

Priscilla P.,
Respondent-Appellant.

Thomas Caruso, Esq.,
Attorney for the Child.

-----X
Petitioner-respondent/agency having moved for dismissal of the appeal taken from an order of the Family Court, Bronx County, entered on or about February 19, 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, with leave to renew, upon service of the moving papers upon counsel for respondent-appellant (See M-1670, 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 May 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman, Justices.

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

-against-

Anonymous,
Defendant-Appellant.

SEALED
M-905
Ind. No. 3090/12

-----X

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about October 12, 2012, designating the case as *People v Anonymous*, and sealing the record on appeal, including the minutes of the proceedings, granting anonymity of the records in the above-entitled appeal, and other 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 that the record on appeal and brief are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

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 May 6, 2014.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

Peter Riemenschneider,

Plaintiff-Appellant,

-against-

M-1480

Index No. 318688/02

Christine Barton,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 28, 2014,

And plaintiff-appellant having moved for a stay of the aforesaid order, and, inter alia, entry of a certain money judgment directed thereby,

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 that the funds necessary to satisfy the aforesaid order and judgment are paid into an escrow account held by defendant-respondent's attorney, the Law Offices of Denise Morten Kranz & Associates, within 120 days of the date of entry of this order, with final disposition of the funds subject to the outcome of the appeal, and on further condition that plaintiff perfects the aforesaid appeal for the September 2014 Term, and 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 May 6, 2014.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Darcel D. Clark, Justices.

-----X

Assured Guaranty Municipal Corp.,
formerly known as Financial Security
Assurance Inc., et al.,
Plaintiffs-Appellants,

M-1562
Index No. 652837/11

-against-

DLJ Mortgage Capital, Inc.,
Defendant-Respondent,

Credit Suisse Securities (USA) LLC,
Defendant.

-----X

Defendant-respondent having moved for reargument or clarification of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 27, 2014 (Appeal No. 11512),

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

It is ordered that so much of the motion which seeks reargument or, in the alternative, for leave to appeal to the Court of Appeals is denied. The motion, to the extent it seeks clarification, is granted and upon clarification, the decision and order of this Court entered on February 27, 2014 (Appeal No. 11512) is recalled and vacated and a new decision substituted therefor. (See Appeal No. 11512, 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 May 6, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Helen E. Freedman
Paul G. Feinman, Justices.

-----X

Cassandra Tompa,
Plaintiff-Appellant,

-against-

M-1052
Index No. 104287/10

767 Fifth Partners, LLC,
Defendant-Respondent.

(And a third-party action)

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 16, 2014 (Appeal No. 10359),

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 May 6, 2014.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

-----X

Joshua Latimer,

Plaintiff-Respondent,

-against-

The City of New York,

Defendant-Appellant.

-----X

M-1697

Index No. 21463/11

An appeal having taken from the order of the Supreme Court, Bronx County, entered on or about June 7, 2013, and said appeal having been perfected,

And defendant-appellant having moved for an order staying the 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 May 6, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Darcel D. Clark, Justices.

-----X

In re Sylvia G., and Others,

Dependent Children Under Eighteen
Years of Age, etc.,

M-904

Docket Nos. NN-22439/11
NN-22440/11
NN-22441/11

Barbara G.,
Respondent-Appellant,

Administration for Children's Services,
Petitioner-Respondent.

-----X

Respondent-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 21, 2014 (Appeal No. 11510),

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 May 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Leland DeGrasse
Helen E. Freedman
Barbara R. Kapnick, Justices.

-----X
Jon C. Meadow,
Plaintiff-Appellant-Respondent,

-against-

205 East 77th Street Tenants Corp.,
Defendant-Respondent-Appellant.

M-1466
Index No. 400689/08

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 17, 2012 (mot. seq. no. 006),

And plaintiff-appellant-respondent having moved for leave to prosecute the direct appeal as a poor person, 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 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 May 6, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-1583
Ind. No. 3191/12

Juan Gonzalez,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 5, 2013 (M-303), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 13, 2012, under Indictment No. 3191/12, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order of assignment to include a SORA order of said Court entered on or about December 13, 2012 under Indictment No. 3191/12,

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

It is ordered that said motion is granted to the extent of granting defendant-appellant leave to renew the instant motion upon proof of filing of a timely filed notice of appeal from the aforesaid SORA order entered on or about December 13, 2012 and otherwise denied. The attention of the parties is specifically directed to Correction Law 168-N(3) and CPLR 5513(a).

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 May 6, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

-----X
Vicky Dean,
Plaintiff-Appellant,

-against-

M-822
Index No. 303201/11

Gianni Persich, D.P.M.,
Defendant-Respondent.

-----X

Defendant-respondent having renewed his motion to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about September 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 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 May 6, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Tiffany Rickert,
Plaintiff-Appellant,

-against-

M-1093
Index No. 307917/09

Pedro L. Diaz, et al.,
Defendants-Respondents.
-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about July 19, 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 May 6, 2014.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

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

M-4094

M-4095

M-4102

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

Index No. 116069/10

-against-

New York State Division of Housing and
Community Renewal, et al.,
Respondents-Respondents.

-----X

A decision and order of this Court having been entered on July 2, 2013 (Appeal Nos. 10517-10517A), unanimously dismissing the appeals taken from the judgment of the Supreme Court, New York County, entered on or about October 3, 2011, and from the order of the same Court entered on or about May 21, 2012,

And Patricia Pillette and Alexandra Pillette Albright, members of petitioner, Tenants Committee of 36 Gramercy Park, having moved to intervene under CPLR 1012 and 1013 in the above-titled action (M-4094),

And petitioner, Tenants Committee of 36 Gramercy Park, having moved for renewal/reargument of the aforesaid decision and order of this Court entered on July 2, 2013 Appeal Nos. 10517-10571A] (M-4095),

And petitioner, Tenants Committee of 36 Gramercy Park, having moved for this Court to take judicial notice of certain memorandum decision and order of the Supreme Court in a related case (M-4102),

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

Ordered that the motion of Patricia Pillette and Alexandra Pillette Albright, to intervene is denied (M-4094). Petitioner, Tenants Committee of 36 Gramercy Park's motion for renewal/reargument is dismissed (M-4095); and the motion of petitioner, Tenants Committee of 36 Gramercy Parks motion for this Court to take judicial notice of certain documents is dismissed (M-4102).

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 May 6, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Judith J. Gische
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Teflon Archer,
Petitioner-Appellant,

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

M-1293
Index No. 402260/12

-against-

New York City Housing Authority,
Respondent-Respondent.

-----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 May 8, 2013, to review a determination of respondent,

And respondent having moved for dismissal of the aforesaid proceeding for failure to timely perfect,

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 and the proceeding 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 May 6, 2014.

Present: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

-against-

M-939
Ind. No. 3333N/12

Jorge Guerrero,
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 25, 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 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(b)(2) 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.

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 May 6, 2014.

Present: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

-against-

M-946
Ind. No. 4006N/12

Eduardo Disla, also known as
Eduardo Gabriel Disla,
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 February 20, 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 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(b)(2) 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.

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 May 6, 2014.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

-against-
Christopher Belliard,
Defendant-Appellant.
-----X

M-973
Ind. No. 2309/12
Case No. 30477C/12

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 1, 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 moving papers a timely filed notice of appeal 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(b)(2) 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.

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 May 6, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

-against-

M-883
Ind. No. 4389/09

Raymond Medina,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 11, 2011 (M-4948), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 16, 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 Scott A. Rosenberg, Esq. (as successor to Steven Banks, Esq.), as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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 May 6, 2014.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Karla Moskowitz
Leland DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Gisela Fobar,
Plaintiff-Respondent,

-against-

M-1388
Index No. 20564/13

Majestic Realty Corp., et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 7, 2014, and for certain costs,

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 and 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 May 6, 2014.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Karla Moskowitz
Leland DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
In the Matter of the Application of
Ivan Palmer,
Petitioner-Appellant,

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

M-1359
Index No. 400297/13

-against-

New York City Housing Authority,
Respondent-Respondent.

-----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 May 7, 2013, to review a determination of respondent,

And respondent having moved for dismissal of the aforesaid proceeding for failure to timely perfect,

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 and the proceeding 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 May 6, 2014.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----x
Jude Bernard,

Plaintiff-Respondent,

-against-

M-6234
Index No. 302896/07

Herbert J. DeGraffe, Jr., as Trustee
of the Ethel Smith 2003 Trust
Agreement,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 24, 2013,

And defendant-appellant having moved for a stay of all proceedings and actions with respect to the property located at 930 East 218th Street, Bronx, New York, pending hearing and determination of the appeal taken therefrom, 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 May 6, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-920
Ind. No. 3808/11

Devon Andrew,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 19, 2012,

And defendant-appellant having moved for a an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before August 4, 2014 for the November 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 May 6, 2014.

PRESENT: Hon. Karla Moskowitz Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

Lazara Sainz-Mantilla,
Defendant-Appellant.

M-694
Ind. No. 5580/11

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 1, 2013,

And defendant-appellant having moved for a an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before September 2, 2014 for the November 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 May 6, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-1080
Ind. No. 5149/07

Willy Ulerio,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 14, 2013 (M-93), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 9, 2012, and assigning Richard M. Greenberg, 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 Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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

P.M ORDERS
FOR MAY 06,
2014

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 May 6, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----x
Arie Genger,
Plaintiff-Appellant-Respondent/
Plaintiff-Appellant,

-and-

Orly Genger, in her individual capacity
and on behalf of Orly Genger 1993
Trust,
Plaintiff-Appellant-Respondent,

-against-

M-1736
Index No. 651089/10

Sagi Genger, et al.,
Defendants-Respondents-Appellants/
Defendants-Respondents,

Glencova Investment Company, et al.,
Defendants-Respondents-Appellants,

-and-

Rochelle Fang, etc., et al.,
Defendants.

-----x
Consolidated appeals and cross appeals having been taken to this Court from the amended order of the Supreme Court, New York County, entered on or about January 2, 2013 (mot. seq. nos. 006, 007, 009-011, 015), and from the order of said Court entered on or about July 11, 2013 (mot. seq. nos. 013-016), respectively, and said consolidated appeals and cross appeals having been perfected,

And defendants-respondents-appellants/defendants-respondents, Sagi Genger, et al., having moved for leave to strike certain portions of the reply brief filed by plaintiff-appellant-respondent/plaintiff-appellant Arie Genger,

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 all portions of plaintiff Arie Genger's reply brief, which refer to statements made by Delaware Chancellor Leo Strine as reflected in the minutes annexed to the affirmation of Lauren J. Wachtler, Esq. in opposition to the motion as Exhibit D., are deemed stricken.

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 May 6, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----x
Shiby Abraham, as administrator of the
Estate of Shibu Abraham,
Plaintiff-Respondent,

-against-

M-1782
Index No. 101134/10

Chelsea Piers Management Inc.,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 26, 2013 (mot. seq. no. 002), and said appeal having been perfected,

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

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

It is ordered that the motion is granted.

ENTER:


CLERK