

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 22, 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,
Appellant,

-against-

M-1930
Ind. No. 5779/11

James Virrilli,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, rendered on or about July 31, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated April 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2014.

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

-----X
Sarah Imtiaz, etc.,
Plaintiff-Appellant,

-against-

M-1985X
Index No. 350367/09

Maric Lanes, Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 7, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 24, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2014.

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

-----X
Sierra Schoenewald, et al.,
Plaintiffs-Respondents,

-against-

M-1986X
Index No. 400828/10

Jhoan Fausto Auto Corp., et al.,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about January 18, 2013 and March 27, 2013, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 25, 2014, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2014.

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

-----X
Troy Smith,
Plaintiff-Respondent,

-against-

M-1987X
Index No. 301034/11

Emerson Express Co., Inc., and
Salvadore D. Cordova,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 11, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 25, 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 22, 2014.

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

-----X
Samer Bayan,
Plaintiff-Respondent,

-against-

M-1988X
Index No. 306447/09

Jose A. Abreu and Gilberto Gil,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 19, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 25, 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 22, 2014.

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

-----X
Marcos Llibre,
Plaintiff-Appellant,

-against-

M-2008X
Index No. 306569/10

Rickey Nelson Lorenzo and Felix
Martinez-Lopez,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 20, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 28, 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 22, 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-2011
Ind. No. 2771/09

Kenneth Morgan,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 26, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated April 28, 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 22, 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-2012
Ind. No. 2622/10

Maurel Clark,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 15, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated April 16, 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 22, 2014.

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

-----X
CastlePoint Insurance Company,
Plaintiff-Appellant,

-against-

M-2026X
Index No. 100158/12

Alan Paris, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 15, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 29, 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 22, 2014.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Zebadiah Nelson,
Petitioner,

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

M-1269
Index No. 400302/13

-against-

John B. Rhea, as Chair of the New
York City Housing Authority and the
New York City Housing Authority,
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 June 12, 2013, to review a determination of respondent,

And respondent having moved to dismiss 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 22, 2014.

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

-----X
In the Matter of the Application of
Sheila Y. Boyd,
Petitioner,

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

M-1419
Index No. 103892/12

-against-

New York City Housing Authority,
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 March 29, 2013, to review a determination of respondent,

And respondent having moved to dismiss 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 22, 2014.

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

-----X
In the Matter of the Application
for the Custody and Guardianship of

Tarik G. McS., Jr.,

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

- - - - -
St. Vincent's Services, et al.,
Petitioners-Respondents,

M-6674
Docket No. B-16459/08

Tarik G. McS., Sr.,
Respondent-Appellant,

Sherrie T., also known as Sherie
Paulene T.,
Respondent-Appellant.

- - - - -
Randall Carmel, Esq.,
Attorney for the Child.

-----X

Michael Demattio, Esq., Family Court Attorney for the subject child, having moved on said child's behalf for leave to respond, as a poor person, to separate appeals taken from the Order of Fact-Finding and the Final Order of Disposition of the Family Court, Bronx County, entered on or about February 20, 2013, and for assignment of counsel, a free copy of the transcript(s), and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for purposes of responding to the appeal(s); (2) permitting movant to respond to the appeal(s) upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the respective 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 May 22, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Helen E. Freedman
Barbara R. Kapnick, Justices.

-----X

Victoria Wong,
Plaintiff-Appellant,

-against-

M-1761
Index No. 307050/08

Ricky Wong,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 2, 2014,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated April 9, 2014, is hereby 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 May 22, 2014.

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

-----X
Paskal I, LLC,
Petitioner-Appellant,

-against-

M-1161
Index No. 571018/12

Jose M. Ferreira,
Respondent-Respondent.

-----X

Respondent pro se 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 November 20, 2013, and for leave to prosecute said appeal as a poor person, 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 22, 2014.

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

-----X

In re Empire State Realty
Trust, Inc. Investor Litigation

Leon Meyers, et al.,
Plaintiffs-Respondents,

M-1582
Index No. 650607/12

-against-

Mary Jane Fales, et al.,
Intervenor Plaintiffs-Appellants,

Malkin Holdings, L.L.C., et al.,
Defendants-Respondents.

-----X

Intervenor plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 25, 2014 (Appeal No. 11348),

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 22, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Suarna Mehulic,
Plaintiff-Appellant,

-against-

New York Downtown Hospital,
Defendant-Respondent.

-----X

M-887
M-1066
Index No. 103297/08

Plaintiff-appellant pro se having moved, by separate motions, for reargument of (M-887) or, in the alternative, for leave to appeal to the Court of Appeals (M-1066) from the decision and order of this Court entered on January 30, 2014 (Appeal Nos. 11616, 116117 and 11618),

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

It is ordered that the motions are 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 22, 2014.

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

-----X
In the Matter of the Application of
Mashawn Kirkman,
Petitioner,

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

M-1652
Index No. 400117/13

-against-

New York City Housing Authority,
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 June 6, 2013, to review a determination of respondent,

And respondent having moved to dismiss 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 22, 2014.

Present: Hon. Peter Tom, Justice Presiding,
Diane T. Renwick
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Manhattan Telecommunications, Corp.,

Plaintiff-Appellant,

-against-

Rachel Jackson, Esq.,

Defendant-Respondent.
-----X

M-1445

Index No. 111319/10

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 18, 2012 (mot. seq. no. 002), and for an enlargement of time to perfect a purported appeal taken from an order entered on or about April 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 denied insofar as it seeks an enlargement of time to perfect plaintiff's appeal from the order entered on April 18, 2012 and, sua sponte, said appeal is dismissed. So much of the motion which seeks to enlarge the time to perfect the appeal from the order entered on April 26, 2013 is denied, with leave to renew upon submission of a timely notice of appeal from said order.

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 22, 2014.

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

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

-against-

M-2332
Ind. No. 1832/92

Jose Matias,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 21, 1997 (Appeal No. 59685), unanimously affirming a judgment of the Supreme Court, Bronx County (Steven Barrett, J.), rendered on June 2, 1994,

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 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Barbara R. Kapnick, Justices.

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

-against-

M-6152
Ind. No. 8065/02

Felix Garcia,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 31, 2007 (Appeal No. 1210), unanimously affirming a judgment of the Supreme Court, New York County (James Yates, J.), rendered on April 21, 2004,

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 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Kafa Investments, LLC, et al.,
Plaintiffs-Appellants,

-against-

M-1120
Index No. 650349/08

2170-2178 Broadway LLC, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 4, 2014 (Appeal No. 11662),

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 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1235
Ind. No. 4634/96

John Aponte,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having again moved for reargument/reconsideration of the decision and order of this Court entered on November 14, 2006 (Appeal No. 9534),

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 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland DeGrasse
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Fernando Roman, et al.,
Plaintiffs,

Liberty Mutual Insurance Company,
as subrogee of Julia Román,
Plaintiff-Respondent,

-against-

M-975
Index No. 301224/10

Silvia B. Cabrera,
Defendant,

Frank Lawrence, IV,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument/renewal of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 28, 2014 (Appeal No. 11569),

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 (See M-1464, 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 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland DeGrasse
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Fernando Roman, et al.,
Plaintiffs,

Liberty Mutual Insurance Company,
as subrogee of Julia Román,
Plaintiff-Respondent,

-against-

M-1464
Index No. 301224/10

Silvia B. Cabrera,
Defendant,

Frank Lawrence, IV,
Defendant-Appellant.

-----X

Plaintiff-respondent's having moved for reargument/
renewal of or, in the alternative, for leave to appeal to the
Court of Appeals from the decision and order of this Court
entered on January 28, 2014 (Appeal No. 11569) [M-975],

And plaintiff-respondent having moved to supplement the
aforesaid motion,

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 (See M-975,
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 22, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of
Elliot Claiborne,
Petitioner-Appellant,

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

M-1514
Index No. 401337/09

-against-

M.T.A./D.O.T., and NYC Commission on
Human Rights Law Enforcement Bur.,
Respondents-Respondents.

-----X
An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 15, 2010,

And respondents-respondents having moved to dismiss the appeal for failure to timely prosecute,

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 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 22, 2014.

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

-----X
Tiby J. Saunders-Gomez,
Petitioner-Appellant,

-against-

M-1318

M-1515

Index No. 200450/10

New York City Tax Commission and
New York City Department of Finance,
Defendants-Respondents.

-----X

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

And an order of this Court having been entered on December 31, 2013 (M-5937) enlarging petitioner-appellant's time to perfect their appeal to the May 2014 Term, and said petitioner-appellant having failed to comply with said order,

And petitioner-appellant having moved for an enlargement of time to perfect the aforesaid appeal (M-1318),

And defendants-respondents having cross-moved for the dismissal of the aforesaid appeal (M-1515),

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

It is ordered that the motion (M-1318) to enlarge time to perfect the appeal is denied, the cross motion (M-1515) 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 22, 2014.

PRESENT: Hon: Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
LGC USA Holdings, Inc.,
Plaintiff-Appellant,

-against-

M-241
Index No. 654481/13

Taly Diamonds, LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 15, 2014,

And plaintiff-appellant having moved for relief in the nature of an appellate injunction reinstating a certain standstill order entered on or about December 30, 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 only to the extent of continuing the aforesaid standstill agreement on the same terms and conditions as provided in the interim order by a Justice of this Court dated January 15, 2014, pending hearing and determination of the appeal, on condition the appeal is perfected on or before July 7, 2014 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 22, 2014.

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

-----X
Helen Sogoloff,
Plaintiff-Respondent-Appellant,

-against-

M-1779
Index No. 350040/10

Dimitri Sogoloff,
Defendant-Appellant-Respondent.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 26, 2013,

And defendant-appellant-respondent having moved for a stay of certain portions of the aforesaid judgment pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2014.

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

-----X
Thomas Godbolt,
Plaintiff-Appellant,

-against-

Verizon New York Inc.,
Defendant-Respondent.

M-1519
Index No. 109611/09

- - - - -
Community Service Society of New York,
The Bronx Defenders, The Fortune
Society, Inc., Legal Action Center,
The Legal Aid Society, Legal Services NYC,
MFY Legal Services, Inc., National
Employment Lawyers Association/NY,
The Osborne Association and Youth Represent,
Amici Curiae.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 11, 2014 (Appeal No. 11950),

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 22, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz, Justices.

-----X
United States Fire Insurance Company,
Plaintiff-Respondent-Appellant,

-against-

North Shore Risk Management,
Defendant-Respondent-Appellant.

M-1163
Index No. 402592/10

- - - - -
North Shore Risk Management,
Third-Party Plaintiff-Respondent-Appellant,

-against-

Crump Insurance Services, Inc. et al.,
Third-Party Defendants-Appellants-Respondents.

-----X

Third-party defendant-appellant-respondent Inter-Reco, Inc. 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 February 4, 2014 (Appeal Nos. 11629-11630),

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 22, 2014.

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

-----X

In re Oksoon K.,
Petitioner-Respondent,

-against-

M-1575
Docket No. O-30641/11

Young K., etc.,
Respondent-Appellant.

-----X

Respondent-appellant pro se 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 March 11, 2014 (Appeal No. 11939),

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 22, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Radhika Singh,
Plaintiff-Appellant,

-against-

M-6433
Index No. 307533/09

Gayle H. McCrossen, et al.,
Defendants,

Westchester Rockland Newspapers,
Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on November 19, 2013 (Appeal No. 11123),

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 22, 2014.

PRESENT: Hon. John W. Sweeny, Jr. Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Helen E. Freedman, Justices.

-----X
71 Clinton Street Apartments LLC,
as assignee of People's United Bank,
as successor by merger to Bank of
Smithtown,

Plaintiff-Respondent,

M-1891
Index No. 382040/10

-against-

Ilana Industrial LLC and 71 Clinton,
Inc.,

Defendants-Appellants,

Steven Rosenfeld, et al.,
Defendants.

-----X

An order of this Court having been entered on September 26, 2013 (M-4011), consolidating the appeals taken from orders of the Supreme Court, Bronx County, entered on or about January 19, 2012 and July 13, 2012, and subsequent appeals taken from an order of the Supreme Court, Bronx County, entered on or about September 20, 2012 and from a judgment of said Court, entered on or about February 28, 2013, and from an order and amended judgment of said Supreme Court entered on or about July 15, 2013,

And defendants-appellants having moved for a further enlargement of time to perfect the aforesaid consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect same to the November 2014 Term, with leave to seek further enlargements, if necessary.

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 22, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias
Helen E. Freedman, Justices.

-----X
Bank of America, N.A.,
Plaintiff-Respondent,

-against-

Assan Samba,
Defendant-Appellant,

M-1922
Index No. 380839/10

New York City Environmental Control
Board, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 25, 2013,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 22, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1698

Ind. No. 4075/10

Thomas P. Olsen, also known as
Thomas Olsen, also known as Thomas
Patrick Olsen,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about March 28, 2012, and said appeal having been perfected,

And an order of this Court having been entered on December 31, 2013 (M-5931), granting defendant leave to file a pro se supplemental brief for the June 2014 Term, to which Term the appeal was adjourned, and said briefs having been filed with the Clerk of this Court on March 18, 2014,

And defendant-appellant, pro se, having moved for an order providing him with missing minutes of the proceedings below, pursuant to the aforesaid order of this Court entered on December 31, 2013 (M-5931),

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 unnecessary, defendant's pro se supplemental brief having been previously filed with the Clerk of this Court on March 18, 2014.

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 22, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
87 Chambers, LLC, et al.,
Plaintiffs-Appellants,

Catlin Insurance Co. (UK), Ltd., etc., M-1256
Intervening Plaintiff, Index Nos. 104437/10
-against- 590322/11
590312/12

77 Reade, LLC, et al.,
Defendants-Respondents,

Concrete Courses Corp., et al.,
Defendants.

[And Other Third Party Actions]

-----X

Defendants-respondents 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 February 18, 2014 (Appeal No. 11759N),

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 22, 2014.

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

-----X

Jeffrey Johnson,
Plaintiff-Appellant,

-against-

S.W. Management, LLC, et al.,
Defendants,

M-1432

Index No. 102034/12

78/79 York Associates, LLC,
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, 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 February 25, 2014 (Appeal No. 11805),

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

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

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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

M-88
Ind. No. 8230/99

-against-

CERTIFICATE
DENYING LEAVE

Lerone Grant,

Defendant.

-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Renee A. White, J.), entered on or about October 24, 2013, is hereby denied.

ENTERED

MAY 22 2014



Justice

Dated: New York, New York
May 2, 2014

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

M - 1458
Ind. No. 2570/05


-against-

Efrain Ortiz,

ORDER DENYING LEAVE
UPON REARGUMENT

Defendant.
-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-6735), entered on February 27, 2014, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about November 7, 2013, is hereby denied.


Justice of the Appellate Division
Hon. Dianne T. Renwick

Dated: *April 29th*, 2014
New York, New York

ENTERED: **MAY 22 2014**

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M - 620
Ind. No. 5258/08


-against-

ORDER DENYING LEAVE
UPON REARGUMENT

RAYNELL BURGESS,

Defendant.
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-4783), entered on November 12, 2013, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about August 9, 2013 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: May 2, 2014
New York, New York

ENTERED: **MAY 22 2014**

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M - 1833
Ind. No. 625/12


-against-

CERTIFICATE
DENYING LEAVE

DARREN FELIX,

Defendant.
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 27, 2014 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: April 28, 2014
New York, New York

ENTERED: **MAY 22 2014**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-725
Ind. No. 1492/09

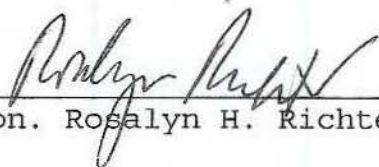
-against-

CERTIFICATE
DENYING LEAVE

Herbert Deas,

Defendant.

-----X
I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 17, 2013, is hereby denied.



Hon. Rosalyn H. Richter

Dated: April 8, 2014
New York, New York

ENTERED: MAY 22 2014

P.M ORDERS
FOR MAY 22,
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 22, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Deborah Glick,
Plaintiff-Appellant

M-1655

-against-

Index No. 651607/12

Sara's New York Homestay, LLC,
et al.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 29, 2013 and October 28, 2013, respectively,

And plaintiff-appellant having moved to enlarge the time to perfect the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to the October 2014 Term. Plaintiff-appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals.

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 22, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz, Justices.

-----X

Mertex UK Ltd. and Mertex Canada,
Inc.,

Plaintiffs-Appellants,

M-1785

M-1786

-against-

Index No. 653540/13

James Whiteley,
Defendant-Respondent.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about November 27, 2013, and said appeal having been perfected,

And plaintiffs-appellants having renewed their motion to enlarge the record on appeal to include certain documents currently set forth in the printed record as pages 506 through 526 (M-1785),

And defendant-respondent having cross-moved to strike plaintiffs-appellants' brief in its entirety (M-1786),

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 defendant-respondent's cross motion is granted and plaintiffs-appellants' brief is stricken, and plaintiffs-appellants are directed to file a new brief on or before July 7, 2014 for the September 2014 Term omitting all references to the aforesaid pages 506 through 526 currently set forth in the record on appeal (M-1786). Plaintiffs-appellants' motion to enlarge the record on appeal is denied, and plaintiffs-appellants are directed to physically delete pages 506 through 526 currently set forth in the record on appeal and correct the table of contents to reflect the material excised within 10 days after the date of entry of this order (M-1785).

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 22, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Helen E. Freedman
Barbara R. Kapnick, Justices.

-----X
The Travelers Indemnity Company,
Plaintiff-Respondent,

-against-

M-1876

Index No. 603601/02

Orange and Rockland Utilities, Inc.,
and John Doe Corporations 1-100,
Defendants-Appellants.

-----X

An appeal having been taken from a decision and order of the Supreme Court, New York County, having been entered on or about July 18, 2013 (mot. seq. no. 017); and five separate appeals having been taken from orders of said Supreme Court, all entered on or about July 18, 2013 (mot. seq. nos. 019, 020, 021, 022 and 023),

And defendants-appellants having moved for consolidation of the aforesaid appeals, and for leave to file oversized briefs,

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 consolidating the five orders of the Supreme Court, New York County, entered on or about July 18, 2013 (mot. seq. nos. 019, 020, 021, 022 and 023). Defendants-appellants are directed to perfect the consolidated appeals on a single brief and record on appeal on or before August 4, 2014 for the October 2014 Term. So much of the motion which seeks to file an oversized brief is denied, without prejudice to an application by defendants for the same relief made by letter to the Clerk of the Court (see Rule 600.10[d][1][I]). Sua sponte, the time to perfect the consolidated appeals is enlarged to the October 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 22, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
David B. Saxe
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
The People of the State of New York
ex rel. Nathan Marshall,
Petitioner,

-against-

M-1945
Ind. No. 5534/12

Antonio Cuin, Warden, Manhattan Detention
Complex,
Respondent.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from 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 application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

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 May 22, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-6637
Ind. No. 4259/98

Daniel Oliveira,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 2, 2003 (Appeal No. 2336), unanimously affirming a judgment of the Supreme Court, New York County (Charles Tejada, J.), rendered on March 13, 2001,

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