

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-4363
Ind. No. 1741/09

Donald Paige,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Tallmer, J.) entered on or about September 5, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Tallmer as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5222
Ind. No. 3424/09
Case No. 45878C/09

Jason Bonilla,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 24, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5228
Ind. No. 3969/09
Case No. 62537C/09

Saul Gonzalez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 2, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

Bakary Kouronma, also known as
Bakary Kourouma,
Defendant-Appellant.

M-5233
Case Nos. 50357C/12
50564C/12
51819C/12

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgments of the Supreme Court, Bronx County, rendered on or about September 20, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5234
Ind. No. 4569/10
Case No. 74765C/10

Kalonji Mahon,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 24, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5238
Case No. 38117C/12

Joel J. Munoz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 27, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5242
Case No. 73861C/10

Luis A. Rosario,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5243
Ind. No. 3376/09
Case No. 52281C/09

Mikaila Sayeed,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 25, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5245
Ind. No. 3146/11
Case No. 49911C/11

Luis Soto,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 14, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5246
Case No. 42048C/10

Grant A. Zale,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 25, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Judith J. Gische, Justices.

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

Respondent,

-against-

M-4681
Ind. No. 5459N/10

Dagoberto Garcia,

Defendant-Appellant.
-----X

An order of this Court having been entered on May 22, 2012 (M-1789) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 2, 2011, and assigning Robert S. Dean, 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 Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
The People of the State of New York
ex rel. Ernest Matthews,
Petitioner,

-against-

M-4345
Ind. No. 340160/12

Warden, Riker's Island Correctional
Facility and New York State Department
of Corrections and Community Supervision,
Respondents.

-----X

Defendant having moved for leave to prosecute, as a poor person, the purported appeal from an order of the Supreme Court, Bronx County, entered on or about June 21, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a properly and timely filed notice of appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
The People of the State of New York
ex rel. Ronald Jackson,
Petitioner,

-against-

M-4351

J. Davis, Warden, New York City
Department of Corrections,
Riker's Island,
Respondent(s).

-----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 December 13, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Judith J. Gische, Justices.

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

-against-

M-4578
Ind. Nos. 6388/09
2914/10

Gerald Degerolomo,
Defendant-Appellant.
-----X

An order of this Court having been entered on June 9, 2011 (M-1663), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 8, 2011, under Indictment No. 6388/09, and assigning Steven Banks, Esq., as counsel to prosecute the appeal,

And an order of this Court having been entered on November 10, 2011 (M-3760), substituting Richard M. Greenberg, Esq., as counsel to prosecute the aforesaid appeal,

And defendant-appellant having moved for an order amending the aforementioned order to include the judgment of said Court rendered on or about November 28, 2011 under Indictment No. 2014/10,

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 amending defendant's order of assignment to include the judgment of said Court rendered on or about November 28, 2011 under Indictment No. 2914/10, and extending the poor person relief previously granted to cover same.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

-----X
Steven Dwork,

Plaintiff-Respondent,

-against-

New York City Transit Authority,

Defendant-Appellant.
-----X

M-5252
Index No. 102450/06

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about January 5, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X
Andrew P. Moffatt, individually
and derivatively on behalf of
Dispatch Transportation Corp.,
Plaintiff-Appellant,

-against-

M-5130
Index No. 651615/10

JP Morgan Chase Bank,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 10, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT - Hon: Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Peter Cooke-Zwiebach, Robert Cooke-Zwiebach,
Liza Cooke-Zwiebach, and Judith Zwiebach,
Plaintiffs-Appellants,

-against-

M-5306
Index No. 104181/06

Robert I. Oziel, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 6, 2011 (mot. seq. no. 014), and said appeal having been perfected,

And defendant having moved for an enlargement of time to file the respondent's brief,

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

It is ordered that the motion, deemed to be one for an adjournment of the aforesaid appeal, is granted to the extent of adjourning the appeal to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-5215

Ind. No. 6384/09

Jorge Jimenez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about November 9, 2010,

And defendant having moved for permission to correct an unspecified error in his pro se supplemental brief on appeal previously filed with this Court for the January 2013 Term,

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 granting defendant leave to address the error in a letter to the Court not to exceed one page, with a copy afforded to the People, mailed so as to be received by the Court and by the people on or before January 31, 2013. The perfected appeal is adjourned to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Judith J. Gische, Justices.

-----X
National Fire Insurance Company,
Plaintiff-Respondent,

-against-

M-4631
Index No. 100526/10

James Wrynn, Superintendent of
Insurance of the State of New York,
etc., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 30, 2012,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

Christine P.,
Petitioner-Appellant,

-against-

M-4320
Docket No. O-42038/11

Machiste Q.,
Defendant-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 10, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Aleza Ross, Esq., 320 Carleton Avenue, Central Islip, NY 11722, Telephone No. 631-361-6900, 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

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

Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-4690
Ind. No. 4155/11

John A. Flores,
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 August 8, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the 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 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 December 13, 2012.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4691
Ind. No. 5460/09

James V. Moore,
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 7, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4644
Ind. No. 5276/11

Jhameer Cameron,

Defendant-Appellant.

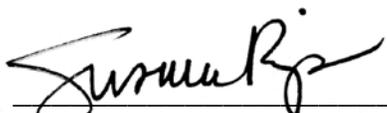
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York York County, rendered on or about September 13, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

Respondent,

-against-

M-4437
Ind. No. 2802/11

Daniel Torres,

Defendant-Appellant.
-----x

Defendant-appellant having moved, through retained counsel, for an extension of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 29, 2012,

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

It is ordered that the motion is denied, as academic, said notice of appeal having been timely filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

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

Sarah McL.,
Petitioner-Appellant,

M-1565A
Docket No. O-10818/10

-against-

Clarence L.,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about December 27, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800, 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**

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

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.** The order of this Court entered on May 10, 2012 (M-1565) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

Respondent,

-against-

M-4656
Ind. No. 5040/11

Jose D. Hernandez,

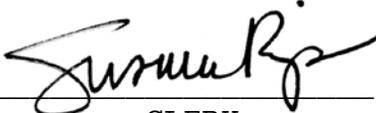
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 5, 2012, for leave to have the appeal heard on the original record and upon are produced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-4645
Ind. No. 5486N/11

Peter Brown,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 24, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to post the \$10,000 cash bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

Respondent,

-against-

M-4647
Ind. No. 5424/11

Garth S. Dunning,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 7, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4333

Ind. No. 2261/09

John Raye,
Defendant-Appellant.

-----X

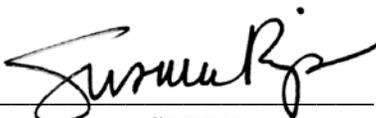
An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 30, 2011,

And defendant-appellant having moved for an order enlarging the record on appeal to include the minutes of certain calendar call proceedings set forth in detail in paragraph number "6" of the affirmation of David J. Klem, Esq. of counsel Robert S. Dean, Esq., Center for Appellate Litigation, assigned counsel for defendant, dated September 17, 2012, and for related relief,

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

It is ordered that the motion is granted to the extent of directing the Clerk of the Supreme Court, New York County, to have transcribed all minutes of the proceedings held herein as not yet transcribed including but not limited to those appearances enumerated above for inclusion in the record on appeal, within 30 days from the date of service upon the Clerk and the individual court reporter(s) within 10 days from the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Rolando T. Acosta
Helen E. Freedman, Justices.

-----x
Crystal Biton and Danielle Biton,
Plaintiffs-Appellants,

-against-

M-4780
Index No. 601732/02

State Farm Insurance Company, et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about August 5, 2009,

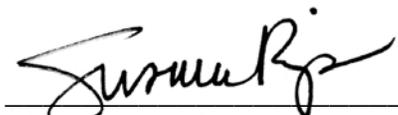
And an order of this Court having been entered on December 10, 2009, dismissing the aforesaid appeal and denying plaintiffs-appellants leave to prosecute the appeal as poor persons and related relief (M-3989/M-4248),

And plaintiffs-appellants having moved to vacate all decisions and orders by the Unified Court System of New York, to amend the record and for leave to file late 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 denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Estelle Carr,

Plaintiff-Appellant-Respondent,

Estate of Royce K. Hoffman,

Plaintiff-Appellant-Respondent,

-against-

M-4560
Index No. 117185/97

Rose A. Caputo, et al.,

Defendants,

Estate of John Gene Mangerino,

Defendant-Respondent-Appellant.

-----X

Separate appeals and a cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 17, 2010,

And an order of this Court having been entered on October 9, 2012 enlarging the time to perfect the aforesaid appeals and cross appeal to the February 2013 Term,

And the above-named plaintiffs having moved for an enlargement of time to perfect their respective appeals and cross appeal,

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

It is ordered that the motion is denied as academic, said relief having been granted by the aforesaid order of this Court entered on October 9, 2012 (M-3591/M-3599), and the direct appeal of plaintiff-appellant Estelle Carr having been perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Darcel D. Clark, Justices.

-----X
Iilir Ademi, as Administrator of the
Estate of Bojhidara Gracova,
Deceased and Iilir Ademi, Individually,
Plaintiffs-Appellants,

-against-

M-5275
Index No. 116069/08

Town Sports International, LLC,
doing business as New York Sports
Club,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about November 28, 2011, and from a judgment of the same Court and Justice entered on or about December 21, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Theodore Smith,
Petitioner-Appellant,

M-5161
Index No. 108154/10
For a Judgment Pursuant to Article 75
of the Civil Practice Law and Rules,

-against-

The New York City Department of
Education,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 18, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term, with no further enlargements to be 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 December 13, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

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

Craig H. Warschauer, M.D.,
Petitioner-Appellant,

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

-against-

M-5341
Index No. 104181/11

Eric T. Schneiderman, et al.,
Respondents-Respondents.

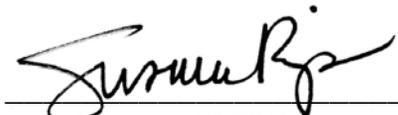
-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about December 22, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Darcel D. Clark, Justices.

-----x
Fabian A. Onetti and Maria P. Onetti,
Plaintiffs-Respondents,

-against-

M-5301
Index No. 450493/12

The Gatsby Condominium,
Defendant-Appellant.

-----x

Appeals having been taken to this Court by defendant-appellant from orders of the Supreme Court, New York County, entered on or about March 9, 2012 (mot. seq. no. 003) and May 29, 2012 (mot. seq. no. 005) and September 12, 2012 (mot. seq. no. 006), respectively,

And defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order entered on or about March 9, 2012 (mot. seq. no. 003) and for consolidation of the appeals entered on or about May 29, 2012 (mot. seq. no. 005) and September 12, 2012 (mot. seq. no. 006),

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the aforesaid appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before February 19, 2013 for the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Darcel D. Clark, Justices.

-----X
In the Matter of

Monarch Consulting, Inc., Elite Management, Inc., Brentwood Television Funnies, Inc., Professional Employer Options, Inc., Recurrent Software Solutions, Ahill, Inc., The Accounting Group, LLC, PES Payroll, IA, Inc.,

M-5135
Index No. 102187/11

Petitioners-Appellants,

-against-

National Union Fire Insurance Company of Pittsburgh, PA., etc.,

Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 31, 2012,

And petitioners-appellants having moved for an order taking judicial notice of certain public records filed in the pending proceeding before the Insurance Commissioner of the State of California, *In the Matter of Licenses and Licensing Rights of Zurich American Insurance Company of Illinois*, File No. DISP-2001-00811, attached as Stipulation at Exhibits A & B,

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 petitioners-appellants are directed to immediately file 9 copies of the aforesaid material with the Clerk of this Court, as exhibits to the aforesaid appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Richard Fabrizi,
Plaintiff-Respondent,

-against-

1095 Avenue of the Americas,
L.L.C., et al.,
Defendants-Appellants,

Verizon New York, Inc., et al.,
Defendants.

-----X
(And Other Actions)

M-4610

Index Nos. 108280/08
590291/09
590554/10

Defendants-appellants having moved having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 18, 2012 (Appeal No. 6257),

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, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of the Supreme Court, as modified by the this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

-----X
American Capital Corp.,
Plaintiff-Respondent,

-against-

M-4312
Index No. 604179/05

Phyllis Nardella, Executrix of the
Estate of Allen J. Goodman, Esq.,
Defendant-Appellant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 16, 2011, and the direct appeal having been heard,

And a decision and order of this Court having been entered June 19, 2012 (Appeal No. 7957) affirming the aforesaid order with respect only to the direct appeal,

And plaintiff-respondent-appellant (American Capital Corp., having moved for an enlargement of time to perfect its cross appeal,

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

It is ordered that the motion is denied and, sua sponte, the cross-appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against- **M-4386**
Ind. No. 2965/09

Adam Thomas,
Defendant-Appellant.
-----X

An order of this Court having been entered on September 1, 2011 (M-2940) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 11, 2011,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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 December 13, 2012.

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

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

-against-

M-4380
Ind. No. 1807/10

Josh Mendez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 14, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Joseph W. Sullivan,
Plaintiff-Respondent,

-against-

William F. Harnisch, et al.,
Defendants-Appellants.

-----X

M-3427
M-3600
Index No. 115092/08

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 28, 2012 (Appeal No. 6993-6993A) [M-3427],

And defendants-appellants having cross-moved for reargument of the aforesaid order [M-3600],

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

It is ordered that the motion and cross motion are denied [M-3427/M-3600].

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT : Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X
In the Matter of the Application of
Barry Fried,

For the Appointment of a Guardian M-4590
of the Person and Property of Index No. 500073/10

Dorothy Fried,

Karen Young,
Non-Party Appellant.

-----X

Separate appeals having been taken by non-party appellant Karen Young from the orders of the Supreme Court, New York County, entered on or about July 8, 2011 and July 22, 2011, respectively,

And an order of this Court having been entered on June 19, 2012 (M-2365) consolidating the aforesaid appeals and enlarging the time to perfect same to the December 2013 Term,

And non-party appellant having moved for an enlargement of time to perfect the 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 the consolidated appeals to on or before January 28, 2013 for the April 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-5003
Index No. 106005/10

Admiral Indemnity Company,
Defendant-Appellant.

-----X

Defendant-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 May 24, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

-----X

In the Matter of

"Baby Boy" W., also known as
Jaheem W., also known as
Jaheem W, V., also known as
Jaheem W. V.,

M-4414
Docket No. B24861/05

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

- - - - -

Jewish Child Care Association,
Petitioner-Respondent,

Celeste W.,
Respondent-Appellant.

- - - - -

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

-----X

An appeal having been taken by respondent-appellant mother from the order of the Family Court, Bronx County, entered on or about May 25, 2011, and said appeal having been perfected,

And petitioner-respondent Agency having moved for an order "affirming" so much of the dispositional order entered on or about May 25, 2011, which found that respondent-appellant permanently neglected the subject child, and reversing so much of said dispositional order which terminated the parental rights of

respondent-appellant, and remanding the matter to Family Court, Bronx County for a *de novo* dispositional hearing in accordance with a stipulation signed by the parties dated September 21, 2012,

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

Ordered that the motion is denied without prejudice to further proceedings in Family Court, Bronx County.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X
The People of the State of New York
ex rel. Fred Littles,
Petitioner,

-against-

M-4710

Luis Rivera, Warden, Anna M. Kross
Center and The County of New York
District Attorney,
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, and for other relief,

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

It is ordered that the 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 December 13, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Angela Vivas,
Plaintiff-Respondent,

-against-

M-5473
Index No. 110941/09

Hassan Moujir and Andrea Latif,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 26, 2012,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
Hilary Best,
Petitioner-Appellant,

-against-

M-5400

Index No. 340467/12

Warden, Otis Bantum Correctional
Center, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about August 8, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, to stay enforcement of said order, and for other relief,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-4096

Ind. No. 1591/11

Yaniqua Estrada,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 7, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$1,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----X
Michael Madison,
Plaintiff-Respondent,

-against-

M-4759
Index No. 103066/08

Andrew A. Sama, M.D. and the
Hospital for Special Surgery,
Defendants-Appellants.

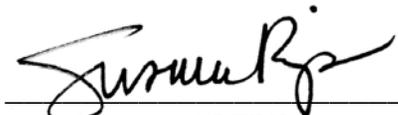
-----X

Defendants-appellants 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 September 26, 2012 (mot. seq. no. 002),

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

It is ordered that the motion is granted on condition the appeal is perfected on or before January 28, 2012, for the April 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----X
Marques Fernandez, An Infant by
his Mother and Natural Guardian
Ruth De Los Santos,
Plaintiff-Appellant,

-against-

M-4835
Index No. 111669/07

Joel Moskowitz, M.D. and New York
University Medical Center,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 19, 2011 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
Luis Jiminez,
Petitioner,

M-5206
Index No. 400351/11

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

-against-

H.P.D. Section 8,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent 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 8, 2011,

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

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 is granted to the extent of enlarging the time in which to perfect the aforesaid proceeding to the May 2013 Term. The stay previously granted by this Court, by order (M-2610/M-2643) entered on August 7, 2012 is continued on condition proceeding is so perfected for the aforesaid May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against-

M-3773
Ind. No. 7264/03

Louis Barone,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 12, 2004,

And defendant-appellant having moved for an order enlarging the record on appeal to include certain medical records,

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

Ordered that the motion is denied. The time to perfect the appeal is enlarged to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----X
Anthony Pretino,
Plaintiff-Respondent,

-against-

M-4935
Index No. 402418/05

Donna Karan New York, Urban Zen, LLC,
Becksmad Associates and Richter &
Ratner Contracting Corp.,
Defendants-Appellants.

-----X
(And other actions)
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 5, 2011 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Solco Plumbing Supply, Inc.,
Plaintiff-Respondent,

-against-

M-5174
Index No. 106217/07

Scott Yaffee, Esq.,
Defendant,

Highlands Insurance Co.,
Defendant-Appellant,

John Rusin, et al.,
Defendants-Respondents,

Leila Rusin, et al.,
Cross-Claim Defendants-Respondents.

-----X

Defendant-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 22, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

In the Matter of the Application of Elizabeth A. Mason, an attorney and counselor at law regarding the Stipulated Settlement of Anonymous v. High School for Environmental Studies, Inc.,
Petitioner/Cross-Respondent-Appellant,

M-5143
Index No. 115352/03

-against-

City of New York, et al.,
Respondents-Respondents.

-----X

Petitioner/cross-respondent-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about January 27, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----x
S.T.A. Parking Corp.,
Plaintiff-Appellant,

-against-

M-4948
Index No. 108091/08

Lancer Insurance Company,
Defendant-Respondent.

-----x
Lancer Insurance Company,
Plaintiff-Respondent,

-against-

Index No. 401599/09

S.T.A. Parking Corp.,
Defendant-Appellant,

430 Owners Corp., et al.,
Defendants.

-----x

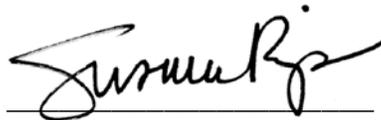
Appeals having been taken to this Court by plaintiff/ defendant-appellant, S.T.A. Parking Corp., from an order of the Supreme Court, New York County, entered on or about December 27, 2011 (Index No. 108091/08) and from an order of the same Court and Justice entered on or about January 10, 2012 (Index No. 401599/09), respectively,

And plaintiff-defendant-appellant S.T.A. Parking Corp. having moved for consolidation of 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 permitting appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before January 28, 2013 the April 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----x
Juan Pablo Rey,
Plaintiff,

-against-

M-5156
Index No. 106555/10

W2001 Metropolitan Hotel Realty, L.L.C.,
W2011 Metropolitan Hotel Operating
Lessee, LLC,
Defendant,

Omnibuild LLC,
Defendant-Appellant.

-----x
Omnibuild LLC,
Defendant/Third-Party Plaintiff-
Appellant,

-against-

Third Party
Index No. 591011/10

T.F. Nugent, Inc.,
Third-Party Defendant-Respondent.

-----x

Appeals having been taken to this Court by defendant/
third-party plaintiff-appellant from the order of the Supreme Court,
New York County, entered on or about December 22, 2011 (mot. seq.
no. 003) and from an order of the same Court and Justice entered on
or about August 30, 2012 (mot. seq. no. 006), respectively,

And defendant/third-party plaintiff-appellant having moved
for consolidation of 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
permitting appellant to prosecute the appeals upon 9 copies of one
record and one set of appellant's points covering the appeals and
enlarging the time in which to perfect the consolidated appeals to
the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT - Hon: Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

Pure Power Boot Camp, Inc.,
Plaintiff-Appellant,

-against-

M-5416
Index No. 112294/11

Pure Power Boot Camp Franchising
Corporation, et al.,
Plaintiffs,

Fross Zelnick Lehrman & Zissu, P.C.,
Defendant-Respondent.

-----X

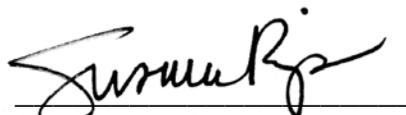
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 14, 2012,

And defendant-respondent having moved for an order awarding costs of the preparation of the supplemental appendix,

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 granting defendant-respondent leave to file the supplemental appendix if so advised, on or before January 2, 2013 for the February 2013 Term, to which Term the appeal is adjourned, with costs to abide the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT - Hon: Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Dennis Ortiz, an infant under the age
of 14, by his Mother and Natural Guardian,
Loraine Ortiz, and Loraine Ortiz,
Individually,
Plaintiffs-Appellants,

-against-

M-5505
Docket No. 28541/01

New York City Housing Authority,
Defendant-Respondent.

-----X
An appeal having been taken by plaintiffs-appellants from the order of the Supreme Court, Bronx County, entered on or about November 30, 2011,

And defendant-respondent having moved for an adjournment 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 and the appeal is adjourned to the March 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT : Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Noel M. Wiederhorn, MD, etc.,
Petitioner-Respondent,

-against-

M-5376
Index No. 601265/10

J. Ezra Merkin, Gabriel Capital
Corporation,
Respondents-Appellants.

-----X

Petitioner-respondent having moved for a preference in the hearing of the appeal from order of the Supreme Court, New York County, entered on or about October 4, 2012 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of directing appellant to perfect the appeal on or before January 28, 2013 for the April 2013 Term, and directing the Clerk of this Court to calendar the appeal for hearing during said April 2013 Term if so perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT : Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Marriott International, Inc. et al.,
Plaintiffs-Respondents,

-against-

M-5258
Index No. 653590/12

Eden Roc, LLLP,
Defendant-Appellant.

-----X

Defendant-appellant Eden Roc, LLLP having moved for, inter alia, a preference in the hearing of the appeal from the order of the Supreme Court, New York County, entered on or about November 7, 2012, and for other relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

In the Matter of the Paternity Proceeding
Under Article 6 of the Family Court Act.

Todd S.,
Petitioner-Respondent,

-against-

M-5260
Docket No. P-55964/09

Lauri B.,
Respondent-Appellant.

-----X

An appeal having been taken by respondent-appellant, from the order of the Family Court, New York County, entered on or about June 8, 2011,

And respondent-appellant having moved for an order striking certain portions of petitioner-respondent's brief,

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

Ordered that the motion is granted to the extent of deeming references on pages 2 and 29 of the respondent's brief to a certain proceeding, Docket No. V-13935/11, stricken, and otherwise denied without prejudice to arguments in the reply brief.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-5295

Ind. No. 5131/07

Antonio Badia,

Defendant-Appellant.

- - - - -
The Immigration Defense Project and
The Post-Deportation Human Rights
Project,

Amicus Curiae.

-----X
An appeal having been taken to this Court by the above-named defendant-appellant from the judgment of the Supreme Court, New York County, rendered on or about November 13, 2008,

And The Immigration Defense Project and The Post-Deportation Human Rights Project, having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted and movants are directed to serve opposition and file 9 copies of an amicus curiae brief on or before January 28, 2013 for the April 2013 Term, to which Term the appeal is adjourned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-4349
Ind. Nos. 2638/05
5373/05

Michael Toliver, also known as
Michel Toliver,

Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, rendered on or about May 15, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Gerard A. Connolly,
Plaintiff-Respondent,

-against-

M-4991
Index No. 105224/05

Napoli, Kaiser & Bern, LLP, Paul J.
Napoli, Marc J. Bern, Gerald Kaiser,
Napoli Bern, LLC and Napoli, Kaiser,
Bern & Associates,
Defendants-Appellants.

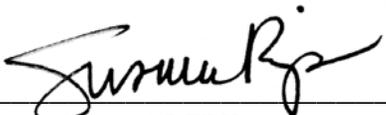
-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Arrin Collins by Arlick Collins as
Parent and Legal Guardian,
Appellant-Cross-Respondent,

-against-

M-4954
Index No. 7324/03

The New York City Department of
Education formerly known as New
York City Board of Education,
The City of New York, Victor
Harper and Louis Mitchell,
Respondents-Cross-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 10, 2011,

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

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 and cross appeal to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Peter Molinari,
Plaintiff-Respondent,

-against-

M-5106
Index No. 100658/07

167 Housing Corp. and Akam
Associates, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants 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 June 21, 2012 (mot. seq. no. 003), and said appeal having been perfected,

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 December 13, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X

The People of the State of New York
ex rel. George Oliveras,

Petitioner-Appellant,

M-4831

Index No. 251537/12

-against-

Dora B. Schriro, Commissioner,
New York City Department of Corrections,

Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about October 9, 2012, denying petitioner's petition for a writ of habeas corpus,

And petitioner having moved to be released on bail pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

M-4264
Ind. No. 350/11

-and-

Donald Fry,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 10, 2011,

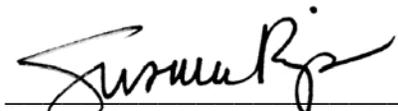
And an order of this Court having been entered on October 25, 2011, (M-4014) granting defendant leave to prosecute the aforesaid appeal as a poor person and assigning Steven Banks, Esq., as counsel for purposes of the appeal,

And Steven Banks, Esq., assigned counsel for defendant, having moved for the dismissal of the aforesaid appeal as abandoned,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

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

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

-against- M-4253
Ind. No. 3772/11

Christian Martinez,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Martin Evans, as Guardian of the
Property of Shari Perl, etc., et al.,
Plaintiffs-Appellants,

-and-

Perl Properties, Inc., et al.,
Plaintiffs,

M-4686
Index No. 602898/05

-against-

Stephen H. Rosen, et al.,
Defendants-Respondents,

Rebecca Perl, etc., et al.,
Nominal Defendants.

-----X

Plaintiffs-appellants 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 July 11, 2011 (mot. seq. nos. 066, 067),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Guillermo Robles,

Plaintiff-Respondent,

-against-

M-4612
Index No. 109463/09

New York City Housing Authority,

Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pursuant to CPLR 5519(a)(1), or in the alternative, for a discretionary 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 July 6, 2012, and said appeal having been perfected,

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 affording a discretionary stay of trial pursuant to CPLR 5519 (c), pending hearing and determination of the aforesaid appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 13, 2012.

Present - Hon. James M. Catterson, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Crystal Biton,
Plaintiff-Appellant,

-against-

M-3918
Index No. 115485/06

Joe Turco, et al.,
Defendant-Respondent.

-----x

A decision and order of this Court having been entered on October 13, 2011 (Appeal Nos. 5721-5721C), unanimously affirming orders of the Supreme Court, New York County, entered on February 16, 2011, December 13, 2010, January 12, 2010 and January 6, 2010, respectively,

And plaintiff-appellant having moved for "rehearing" of the aforesaid decision and order of this Court, and for related relief,

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

It is ordered that the motion is denied. Sua sponte, the Clerk of this Court is directed to accept no further filings from plaintiff, as against defendants, with respect to matters pertaining to her default before Supreme Court in this action without prior leave of this Court.

ENTER:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-3568
Ind. No. 4272/95

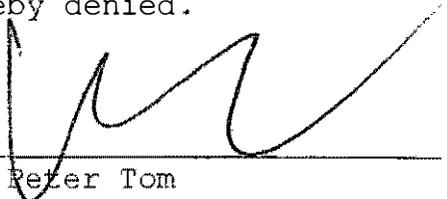
-against-

CERTIFICATE
DENYING LEAVE

Adolf Gutt, also known as Rafeal Lugo,

Defendant.
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 25, 2012 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: November 21, 2012
New York, New York

Entered: December 13, 2012

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

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

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

M-4706
Ind. No. 4842/91

-against-

CERTIFICATE
DENYING LEAVE

Everton Brown, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about August 9, 2012, is hereby denied.

Dated: New York, New York
October 19, 2012

Entered: December 13, 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

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

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

M-3306
Ind. No. 7531/93

-against-

CERTIFICATE
DENYING LEAVE

Lugo Miguel Santiago,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein, there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal from the order of this court (M-5491) entered April 5, 2012, related relief, is hereby denied.

Dated: November 26, 2012
New York, New York

ENTERED: December 13, 2012


Justice of the Appellate Division

Notice: The Clerk is directed to immediately file a copy of this Certificate with the Clerk of the Court of Appeals Pursuant to CPL § 460.20 subd. 5.