

At a 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 27, 2012.

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

-----X  
Giulio Lupo,  
Plaintiff-Respondent,

-against-

M-5013X  
Index No. 107565/06

Pro Foods, LLC, et al.,  
Defendants,

The Perecman Firm, PLLC,  
Non-Party-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 8, 2012 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 23, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
Brian M. DeLaurentis,  
Plaintiff-Appellant,

-against-

30-32 West 9<sup>th</sup> Street Condominium,  
et al.,  
Defendants-Respondents.

M-5495X  
Index No. 651339/11

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 21, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
Flextronics Global Services Canada,  
Inc.,  
Plaintiff-Respondent,

-against-

M-5496X  
Index No. 602863/08

Aero Toy Store, LLC,  
Defendant-Appellant.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 20, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
Eli Jemal,  
Plaintiff-Respondent,

-against-

M-5588X  
Index No. 113398/11

ZTI Corp.,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 15, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 28, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
291 Broadway Realty Associates,  
Plaintiff-Respondent,

-against-

M-5628X  
Index No. 111413/10

Subin Associates LLP,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 20, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 29, 2012, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 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,

M-4872

DC #9

-against-

Ind. No. 6265/07

Darren Bracey,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 23, 2010,

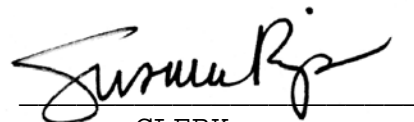
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

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 27, 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,

M-4880

DC #17

-against-

Ind. No. 666/07

Alfonzo Faulk,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 15, 2007,

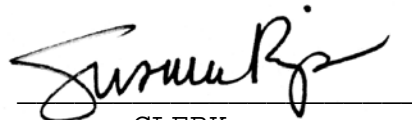
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

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 27, 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,

M-4886

DC #23

-against-

Ind. No. 6183/08

Derrick Hill,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 17, 2010,

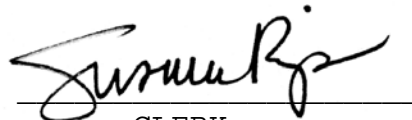
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

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 27, 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,

M-4887

DC #24

-against-

Ind. No. 2218/09

David Holland,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 2, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

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 27, 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,

M-4898

DC #35

-against-

Ind. No. 3662/07

Franklin F. Medina-Gonzalez,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about June 29, 2009,

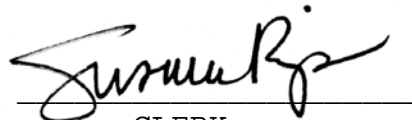
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

ENTER:



CLERK

**CORRECTED ORDER - JANUARY 9, 2013**

At a 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 27, 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,

M-4899

DC #36

-against-

Ind. No. 812/04

George Medlin,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, **Bronx** County, rendered on or about February 4, 2005,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

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 27, 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,

M-4906

DC #43

-against-

Ind. No. 3237/07

Nadine Panton,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about December 21, 2010,

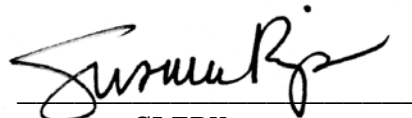
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

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 27, 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,

M-4911

DC #48

-against-

Ind. No. 4427/08

Olivia C. Purser,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about October 21, 2009,

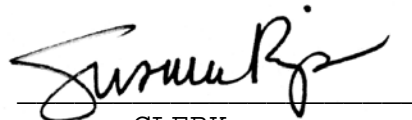
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

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 27, 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,

M-4914

DC #51

-against-

Ind. No. 1549/09

Joseph Richards,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2010,

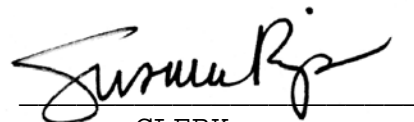
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 25, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time to perfect the appeal is enlarged to the June 2013 Term of this Court and counsel is directed to so perfect.

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 27, 2012.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-5284  
Ind. No. 3581/09

Leigh Morse,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 19, 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 27, 2012.

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

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

-against- M-5476  
Ind. No. 2005/10

Jose Correa,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 12, 2012 (M-5540) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 20, 2011, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

PRESENT: Hon: Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Judith J. Gische, Justices.

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

Diana Haas,  
Petitioner-Respondent-Appellant,

For a Judgment Pursuant to Article 75  
of the CPLR,

M-5312  
Index No. 110190/11

-against-

The New York City Board/Department of  
Education,  
Respondent-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 21, 2012,

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

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 27, 2012.

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

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

-against-

**M-4963**  
Ind. No. 3052/11

Larry Brown,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 27, 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 27, 2012.

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

-----X  
In the Matter of the Application of  
the State of New York,  
Petitioner-Respondent,

For Civil Management Pursuant to Article 10 of the Mental Hygiene Law, **M-5001A**  
Index No. 30164/10

-against-

Charada T.,  
Respondent-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 6, 2012

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of 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 General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf. The time to perfect the appeal is enlarged 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 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
David Friedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

Anonymous,

Plaintiff-Respondent,

-against-

**M-5568**

Index No. 314860/11

Anonymous,

Defendant-Appellant.

-----X

An appeal having been taken by defendant-appellant mother from an order of the Supreme Court, New York County, entered on or about November 7, 2012,

And defendant mother having moved to stay the order pending hearing and determination of the aforesaid appeal, and for related relief,

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

Ordered that the motion is denied in its entirety.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

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

-against-

M-5207  
Ind. No. 554/10

Shaun Nelson, also known as Shawn  
Nelson,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 4, 2011, and for related relief,

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

It is ordered that the motion is denied as premature, said appeal not 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 27, 2012.

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

-----X  
Pierre Bernard,  
Plaintiff-Respondent,

-against-

**M-4451**  
Index No. 111756/06

Cabrini Medical Center,  
Defendant,

Rick Sayegh, M.D.,  
Defendant-Appellant,

Sebastian Cassaro, M.D.,  
Defendant-Appellant,

Daniel Rahman, M.D.,  
Defendant.

-----X

Separate appeals having been taken from an order of the Supreme Court, New York County, entered on or about May 15, 2012,

And plaintiff-respondent having moved to dismiss the aforesaid appeals as academic; to enlarge the record on appeal to include certain documents; and to enlarge the time to file a respondent's brief,

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

Ordered that the motion is granted to the extent of enlarging the Record on Appeal to the extent of permitting plaintiff to file a supplemental record on appeal to include the Stipulation of Discontinuance as to Cabrini Medical Center and Daniel Rahman, M.D. (attached as Exhibit D. To the moving

papers) and the General Release signed by plaintiff on August 18, 2012 (attached as Exhibit H to the moving papers) and otherwise denied. So much of the motion which seeks to dismiss the appeals is denied, without prejudice to raising the issue directly on appeal. So much of the motion which seeks to extend the time to file a respondent's brief is granted to the extent of adjourning the perfected appeals to the March 2013 Term, and continuing the stay of trial granted by a Justice of this Court on September 25, 2012 pending hearing and determination of 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 27, 2012.

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

-----X  
In the Matter of the Application of  
Danos Kallas,  
Petitioner,

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

M-4381  
Index No. 102481/12

-against-

Barbara J. Fiala, Commissioner of the  
Department of Motor Vehicles of  
New York State,  
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 18, 2012,

And petitioner pro se having moved for an order remanding the proceeding to Supreme Court, to compel respondent to answer the petition, and for other relief,

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

It is ordered that the motion is denied, without prejudice to perfection of this proceeding pursuant to the Rules of this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

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

Respondent,

-against-

**M-4611**  
Ind. No. 4931/10

Paulino Batista,

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 December 15, 2011,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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 27, 2012.

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

-----X  
Najif Choudhury, an infant by his  
father and natural guardian,  
Mohammed Choudhury and Mohammed A.  
Choudhury, individually,  
Plaintiffs-Appellants,

-against-

M-5171  
Index No. 350767/09

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

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect his appeal from an order of the Supreme Court, Bronx 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 27, 2012.

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

-----X  
Luis Casas, by his guardian,  
Betty Casas,  
Plaintiffs-Respondents,

-against-

M-5251  
Index No. 115106/04

Consolidated Edison Company of  
New York, Inc.,  
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 October 3, 2011 (mot. seq. no. 008), 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 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 27, 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-4680  
Ind. No. 1453/11

Greg Poirier,  
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 6, 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 27, 2012.

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

-----X

In the Matter of

Emperor V.,

**M-4245**

Docket No. N14875/12

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

-----  
Commissioner of Social Services of the City of New York,  
Petitioner-Respondent,

J. Pearllinda V.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother 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 August 8, 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, Erin E. Husted, Esq., Center for Family Representation, 40 Worth Street, Suite #605, New York, NY 10013, Telephone No. (212) 691-0950, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family

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

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X

In the Matter of

Devin M.,

**M-4980**

**Docket No. NN24873/11**

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

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

Margaret W.,  
Respondent-Appellant.

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

-----X

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

-----  
Richard Allen M.,  
Petitioner-Respondent,

**Docket No. V34387/11**

-against-

Margaret W.,  
Respondent-Appellant.

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

-----X



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

- - - - -  
 Margaret W.,  
 Petitioner-Appellant,

**Docket No. O-28045/12**

-against-

Richard Allen M.,  
 Respondent-Respondent.

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

-----X

Respondent-appellant mother, Margaret W., having moved in the above-captioned matters for leave to prosecute, as a poor person, the appeal taken from the Order of Fact-Finding of the Family Court, New York County, entered on or about February 15, 2012 (Under Docket No. NN24873/11), from the Order of Disposition of said Family Court entered on or about October 5, 2012 (Under Docket No. NN24873/11), from the Final Order on Petition of said Family Court entered on or about September 20, 2012 (Under Docket No. V34387/11), and from the Order of Dismissal of said Family Court entered on or about September 21, 2012 (Under Docket No. O-28045/12), for the assignment of counsel, a free copy of the transcript(s), and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel R. Katz, Esq., 339 West 88<sup>th</sup> Street, Apt. #3, New York, NY 10024, Telephone No. (917) 886-5620, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee(s) for the transfer of the record(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4857, decided simultaneously herewith.)

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X

In the Matter of

Devin M.,

**M-4857**

**Docket No. NN24873/11**

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

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

Richard Allen M.,  
Respondent-Respondent,

Margaret W.,  
Respondent-Appellant.

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

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

-----  
Richard Allen M.,  
Petitioner-Respondent,

**Docket No. V34387/11**

-against-

Margaret W.,  
Respondent-Appellant.

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

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

-----  
 Margaret W., **Docket No. O-28045/12**  
 Petitioner-Appellant,

-against-

Richard Allen M.,  
 Respondent-Respondent.

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

Respondent/petitioner-respondent father having moved for leave to respond, as a poor person, to the appeal taken by respondent-appellant mother from the Order of Fact-Finding of the Family Court, New York County, entered on or about February 15, 2012 (Under Docket No. NN24873/11), from the Order of Disposition of said Family Court entered on or about October 5, 2012 (Under Docket No. NN24873/11), from the Final Order on Petition of said Family Court entered on or about September 20, 2012 (Under Docket No. V34387/11), and from the Order of Dismissal of said Family Court entered on or about September 21, 2012 (Under Docket No. O-28045/12), and for the assignment of counsel, a free copy of the transcript(s), and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11792, Telephone No. (516) 921-8800, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief(s), on condition that one copy of such brief(s) be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-4980, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

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

-against-

M-4799  
Ind. No. 1960/10

Frank Furino,  
Defendant-Appellant.

-----X

Defendant having moved, through retained counsel Randell Unger, Esq., 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 on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is 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 pay 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

CORRECTED ORDER - JANUARY 9, 2013

At a 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 27, 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-4737  
Ind. No. 3680/10

Henry Gaston,  
Defendant-Appellant.

-----x

An order of this Court having been entered March 29, 2012 (M-1028), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, entered on or about December 6, 2011, and assigned Steven Banks, Esq. as counsel to prosecute the appeal,

And defendant having moved through retained counsel Howard D. Simons, Esq. for an order relieving assigned counsel and substituting retained counsel to prosecute said appeal,

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

It is ordered that the motion is granted to the extent of relieving Steven Banks, Esq., as counsel on the appeal. 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. The motion, to the extent it seek to substitute retained counsel on the appeal, is denied as unnecessary.

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 27, 2012.

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

-----X

Basis Yield Alpha Fund (Master),  
Plaintiff-Respondent,

-against-

M-5211  
Index No. 652996/11

Goldman Sachs Group, Inc., et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 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 denied and the interim relief granted by an order of a Justice of this Court, dated November 8, 2012, is hereby vacated.

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Helen E. Freedman  
Nelson S. Román  
Judith J. Gische, Justices.

-----X  
In the Matter of a Petition to Quash  
Subpoena Ad Testificandum and/or for  
a Protective Order

John Kapon and Justin Christoph,  
Petitioners-Appellants,

-against-

**M-5483**

Index No. 102660/12

William I. Koch,  
Respondent-Respondent,

In Connection with an action pending  
in the Superior Court of California  
entitled:

William I. Koch v Rudy Kurniawan,  
BC241581

-----X  
Petitioners-appellants having moved for a stay of the order and judgment (one paper) in the above-entitled action pending hearing and determination of the appeal taken from an order of the Supreme Court, New York County, entered on or about October 18, 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 on condition that the appeal is perfected on or before January 28, 2013 for the April 2013 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent-respondent serves a copy of this order upon petitioners-appellants within 10 days after 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 27, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Helen E. Freedman  
Judith J. Gische, Justices.

-----X

Gerald Boyd,  
Plaintiff-Respondent,

-against-

M-5389  
Index No. 310500/10

New York City Housing Authority,  
Defendant-Appellant..

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 8, 2012, and said appeal having been perfected,

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

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

It is ordered that the motion is 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 27, 2012.

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

-----X  
Stanley Cohen,  
Plaintiff-Respondent,

-against-

M-4804  
Index No. 303123/09

Pauline Cohen,  
Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 16, 2012, May 7, 2012, June 14, 2012 and August 14, 2012, respectively,

And plaintiff-respondent having moved to dismiss the appeals from the orders of the Supreme Court, New York County, entered on or about April 16, 2012 and August 14, 2012, respectively,

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

It is ordered that the motion is deemed withdrawn. The time to perfect the respective appeals, which are, sua sponte, consolidated, is enlarged to the June 2013 Term, with leave to seek further enlargements if necessary. Appellant is permitted to prosecute the appeals upon 9 copies of one record and one copy of appellant's brief covering the appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Helen E. Freedman  
Nelson S. Román  
Judith J. Gische, Justices.

-----X

Stevi Brooks Nichols,  
Plaintiff-Appellant,

**M-5545**

-against-

Index No. 112297/08

W. Roberts Curtis, Esq., et al.,  
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 16, 2010, July 19, 2010 and December 9, 2010, from an order and judgment entered on or about February 18, 2011, and from orders entered on or about January 10, 2012 and March 6, 2012, respectively, and said appeals having been consolidated by an order of this Court entered on May 3, 2012 (M-1326/M-1638), and said appeals having been perfected,

And plaintiff-appellant having moved for leave to correct certain documents filed in plaintiff's Appendix on Appeal as set forth in the moving papers to conform with the NYSCEF efiled record,

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 plaintiff to serve and file forthwith 9 copies of a corrected appendix with the Clerk of this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Mati Salomon,  
Plaintiff-Respondent,

-against-

**M-5537**  
Index No. 117680/09

Jaspal Singh and Darshan Taxi Inc.,  
Defendants,

Hlatun Minswe and Maung Y. Mon,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 9, 2012, and said appeal having been perfected,

And defendants, Jaspal Singh and Darshan Taxi Inc., having moved for leave to file a brief in support of the appeal taken by defendants-appellants, Hlatun Minswe and Maung Y. Mon,

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 defendants, Jaspal Singh and Darshan Taxi Inc., are directed to serve and file 9 copies of their brief on or before January 30, 2013 for the March 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 27, 2012.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Nelson S. Román, Justices.

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

-against-

M-4076  
Case No. 4268C/05

Samuel Encarnacion,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 23, 2011 (Appeal No. 2715), unanimously affirming a judgment of the Supreme Court, Bronx County (Elizabeth Foley, J.), rendered on December 19, 2007,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
Jose DeLeon,  
Plaintiff-Respondent,

-against-

M-5159  
Index No. 303065/07

Keystone Freight Corp. and  
Bruce Rich,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 15, 2011, and said appeal having been perfected,

And plaintiff-respondent having moved for an extension of time to file a respondent's brief with respect to the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of adjourning the appeal 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 27, 2012.

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

-----X  
432 East 11<sup>th</sup> Street Corp., et al.,

Plaintiffs-Appellants,

-against-

**M-5363**

Index No. 109308/05

The City of New York, et al.,

Defendants-Respondents.  
-----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 May 3, 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 27, 2012.

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

-----X  
In the Matter of

Kristian-Isaiah M.,  
and Kristina Druessller M.,

**M-4423**  
Docket Nos. B30710/09  
B30711/09

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

- - - - -  
Jewish Child Care Association of  
New York, et al.,  
Petitioners-Respondents,

Jessenica Terri Monica B., also known  
as Jessenica B.,  
Respondent-Appellant.

- - - - -  
Richard Bara, Esq.,  
Attorney for the Children.

-----X  
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, both entered on or about August 23, 2012, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and

§1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
In the Matter of

Anthony Wayne S.,  
and Amiya S.,

**M-4813**

Docket Nos. B12683-10/11A  
B15493-10/11A

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

-----  
Abbott House,  
Petitioner-Respondent,

Anthony S.,  
Respondent-Appellant,

Damaris S.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant mother, Damaris S., having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about September 11, 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, Geanine Towers, Esq., 71 Bay Ridge Avenue, Brooklyn, NY 11220, Telephone No. (347-457-0050, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4816, decided simultaneously herewith.)

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
In the Matter of

Anthony Wayne S.,  
and Amiya S.,

**M-4816**

Docket Nos. B12683-10/11A  
B15493-10/11A

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

-----  
Abbott House,  
Petitioner-Respondent,

Anthony S.,  
Respondent-Appellant,

Damaris S.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant father, Anthony S., having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about September 11, 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, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. (917) 378-0176, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4813, decided simultaneously herewith.)

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2894  
Ind. No. 3582/09

Gentry Montgomery,  
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 May 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, 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 27, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Lazaro G., Esmeralda G.,  
Alexis G. and Christine G.,

**M-2279A**

Dependent Children Under 18 Years of Age Alleged to be Abused and/or Neglected Pursuant to Article 10 of the Family Court Act. Docket Nos. NA-04718/10  
NA-04719/10  
NA-04720/10  
NA-04721/10

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

Vladimir G.,  
Respondent-Appellant.

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

Lewis S. Calderon, Esq.,  
Attorney for the Children  
Lazaro G. and Alexis G.

-----X  
Carol Levy, Esq., Family Court attorney for the subject children Lazaro G. and Alexis G., having moved on said children's behalf for leave to respond, as poor persons, to the appeal from orders of the Family Court, Bronx County, entered on or about July 25, 2011 and July 28, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. (718) 883-1560, as counsel only as to Lazaro G. and Alexis G. for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. The order of this Court entered on June 5, 2012 (M-2279) 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 27, 2012.

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

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

David H.,  
Petitioner-Appellant,

**M-4232**  
Docket No. V19015/10

-against-

Khalima H.,  
Respondent-Respondent.  
-----

Linda Diaz, Esq.,  
Lawyers for Children,  
Attorney for the Child.  
-----X

Petitioner-appellant father 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 August 27, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4726, decided simultaneously herewith.)

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

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

-----  
David H.,  
Petitioner-Appellant,

**M-4726**  
Docket No. V19015/10

-against-

Khalima H.,  
Respondent-Respondent.

-----  
Linda Diaz, Esq.,  
Lawyers for Children,  
Attorney for the Child.

-----X  
Respondent-respondent mother having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about August 27, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-4232, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 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  
Elba Henriquez,  
Petitioner-Appellant,

**M-4623**

For a Judgment Pursuant to Article 78 Index No. 112360/11  
of the Civil Practice Law and Rules,

-against-

Raymond Kelly, etc., et al.,  
Respondents-Respondents.

-----X  
An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 30, 2012,

And respondents-respondents having moved for an order dismissing the aforesaid appeal as untimely taken,

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 held in abeyance and remanded to Supreme Court, New York County, for a Traverse Hearing concerning the timeliness of the notice of appeal including but not limited to the date on which petitioner was served with the May 30, 2012 judgment and notice of entry.

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 27, 2012.

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

-----X  
Domingos Mouta and Maria Jose Mouta,  
Plaintiffs-Respondents,

-against-

M-5261  
Index No. 307749/08

Essex Market Development, LLC,  
Defendant-Appellant,

JF Contracting Corp., et al.,  
Defendants.

-----X  
Essex Market Development, LLC,  
Third-Party Plaintiff-Appellant,

Third-Party  
Index No. 83768/09

JF Contracting Corp., et al.,  
Third-Party Plaintiffs,

-against-

Marangos Construction Corp.,  
Third-Party Defendant-Respondent.

-----X  
(And another action)

Defendant, JF Contracting Corp. 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, Bronx County, entered on or about January 31, 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, and the interim relief granted by an order of a Justice of this Court, dated November 9, 2012, is hereby vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X

Mark Robert Gordon,  
Plaintiff-Appellant,

-against-

**M-4115**

Index No. 111265/05

Chubb Group of Insurance Company,  
et al.,

Defendants-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 24, 2009,

And defendants-respondents having moved to dismiss the aforesaid appeal or, in the alternative, to strike plaintiff's record on appeal and direct said plaintiff to serve and file a supplemental record containing certain documents detailed in the moving papers,

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 plaintiff to supplement the record on appeal with the judgment roll, the trial exhibits, the decision after trial, dated August 19, 2009, the post trial memorandum of law submitted on July 24, 2009, plaintiff's proposed judgment and affirmation in support of attorney's fees and defendants-respondents affirmation in opposition, dated October 12, 2009, at his own expense; and directing plaintiff to serve and file 9 copies of the aforesaid Supplemental Record on or before January 28, 2013 for the April 2013 Term, to which Term the appeal is adjourned, and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Femi Olawoyin,  
Plaintiff-Respondent-Appellant,

-against-

M-2619  
Index No. 570625/11

520 West 43<sup>rd</sup> Street Partners, LLC,  
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about April 16, 2012, and for leave to prosecute the appeal as a poor person, and related relief,

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----x  
In the Matter of the Application of  
Thomas Cantore,  
Petitioner-Appellant,

For a Judgment, etc.,

M-4760  
Index No. 114152/09

-against-

Raymond Kelly, etc., et al.,  
Respondents-Respondents.

-----x

An order of this Court having been entered on September 4, 2012 (M-2727), denying petitioner-appellant's motion for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about July 9, 2010, and sua sponte dismissing the aforesaid appeal,

And petitioner-appellant having moved for an enlargement of time to file a motion for leave to appeal to the Court of Appeals from the aforesaid order dismissing the appeal,

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

It is ordered that the motion is 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 27, 2012.

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

-----X  
James L. Melcher,  
Plaintiff-Respondent,

-against-

M-5522  
Index No. 650188/07

Greenberg Traurig LLP and  
Leslie D. Corwin,  
Defendants-Appellants.

-----X

Defendants-appellants having moved, pursuant to CPLR 5704(a), for relief denied by a Justice of the Supreme Court, New York County, on November 21, 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 27, 2012.

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

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

-against-

**M-4379**  
Ind. No. 1360/09

Vaselios Giamagas,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 28, (M-4377), 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 February 25, 2010, and assigning counsel therefor; and an order of this Court having been entered on March 6, 2012 (M-2884), substituting Richard M. Greenberg, Esq., as counsel on the appeal,

And defendant pro se having moved for an order granting summary reversal or, in the alternative, for a new trial,

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 27, 2012.

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

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

-and-

**M-4908**  
Ind. No. 2235/04

Efrain Perez,  
Defendant-appellant.

-----X

Respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 23, 2010, **denying resentence**,

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 27, 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

Lisa Melissa P.,  
and Michelle P., also known as  
No Given Name L., also known as  
Michelle Faith L.,

**M-4736**  
Docket Nos. B590/11  
B591/11

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

- - - - -  
Episcopal Social Services, et al.,  
Petitioners-Respondents,

Andrea Marie L., also known as  
Andrea L.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about August 28, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Jamaica, NY 11432, Telephone No. (718) 883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 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

Julian Raul S.,  
Oscar Innacio S.,  
and Ameliana Maria S.,

**M-4808**

Docket Nos. B3691/11  
B3692/11  
B3693/11

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

- - - - -

Catholic Guardian Society & Home  
Bureau,  
Petitioner-Respondent,

Oscar S.,  
Respondent-Appellant.

- - - - -

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

-----X

Respondent-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 21, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11532, Telephone No. (718) 883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 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

Shariah T.,

**M-4817**

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D1354/12

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about August 22, 2012, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-10 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. (718) 883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on December 27, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

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

-against- **M-4458**  
Ind. No. 3104/02

Eric Poole,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 11, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 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 27, 2012.

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

-----X  
In Re: New York City Asbestos Litigation  
-----X

Mary Andrucki, as Administratrix  
for the Estate of George P. Andrucki  
and Mary Andrucki, Individually,  
Plaintiff-Respondent,

-against-

M-5142  
Index No. 190377/10

The Port of Authority of New York  
& New Jersey,  
Defendant-Appellant,

Aluminum Company of America (ALCOA)  
et al.,  
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment 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 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 27, 2012.

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

-----X

In the Matter of the Application of

Tina Liu,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 75  
of the Civil Practice Law and Rules

M-5424  
Index No. 107545/11

-against-

The New York City Board of Education/  
Department of Education,  
Respondent-Respondent.

-----X

Petitioner-appellant pro se having moved for an enlargement of time to perfect her appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 9, 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 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 27, 2012.

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

-----X  
Moshe Steinmetz,  
Plaintiff-Respondent,

-against-

M-5204  
Index No. 600808/07

Samuel-Rozenbaum USA, Inc.,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about September 23, 2010, 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 enlarging the time to perfect the appeal to the May 2013 Term, with no further enlargements to be granted, and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
MTA Bus Company and Clairmonte Punch,  
Plaintiff-Respondents,

-against-

M-5337  
M-5464  
Index No. 402833/09

Zurich American Insurance Company and  
American Bridge Company,  
Defendants-Appellants,

-and-

American Home Assurance Company,  
Defendant-Appellant.  
-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 18, 2011 (mot. seq. no. 002),

And an order of this Court having been entered on April 24, 2012 (M-909/M-1190), inter alia, consolidating the aforesaid appeals and permitting the respective appellants to perfect the appeals upon 9 copies of one record and one set of respective appellants' points,

And defendants-appellants, Zurich American Insurance Company, et al., and American Bridge Company, having jointly moved for an enlargement of time to perfect the aforesaid appeals (M-5337),

And defendant-appellant, American Home Assurance Company, having cross-moved for the same relief (M-5464),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the consolidated appeals to the June 2013 Term (M-5337/M-5464).

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 27, 2012.

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

-----X

In the Matter of the Application of  
Mary Craig,  
Petitioner,

**M-5195**

**M-5393**

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

Index No. 402492/11

-against-

New York City Housing Authority,  
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 January 11, 2012,

And respondent having moved for dismissal of the aforesaid proceeding (M-5195),

And petitioner having cross-moved for an enlargement of time to perfect the aforesaid proceeding (M-5393),

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 respondent's motion to dismiss the aforesaid proceeding is granted unless said proceeding is perfected on or before February 19, 2013 for the May 2013 Term (M-5195).

Petitioner's motion to enlarge time to perfect the proceeding is granted accordingly to on or before said February 19, 2013 date for said May 2013 Term (M-5393).

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 27, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

Jose Alvarado,

Defendant-Appellant.  
-----X

**M-4697**

**M-4862**

Ind. Nos. 255/04  
217/04  
3049/03

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 21, 2004, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for related relief under New York County Indictment No. 255/04 (superseding Indictment Nos. 217/04 and 3049/03) [M-4697],

And respondent People having cross-moved for dismissal of the appeal under New York County Indictment No. 255/04 (superseding Indictment Nos. 217/04 and 3049/03) [M-4862],

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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 [M-4697]. The People's cross motion is denied without prejudice to a subsequent motion by the People to dismiss the appeal, and otherwise the respective motions are denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4447  
Ind. No. 287/10

Dexter Dorner,  
Defendant-Appellant.

-----x

An order of this Court having been entered October 6, 2011 (M-3388), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, entered on or about February 1, 2011, and assigned Robert S. Dean, Esq. as counsel to prosecute the appeal,

And defendant having moved pro se and through retained counsel Leonard J. Levinson, Esq. for an order relieving assigned counsel and substituting retained counsel to prosecute said appeal,

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

It is ordered that the motion is granted to the extent of relieving Robert S. Dean, Esq. as counsel on the appeal. The poor person relief previously granted is continued, an 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. The motion, to the extent it seeks to substitute retained counsel on the appeal, is denied as unnecessary.

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 27, 2012.

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

-----x  
Verna Hixon,  
Plaintiff-Appellant,

-against-

M-5214  
Index No. 100478/10

12-14 East 64th Owners Corp., et al.,  
Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an order enlarging the time to perfect the appeals from an order of the Supreme Court New York County, rendered on or about December 21, 2011 and August 27, 2012, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to on or before March 18, 2013 for the June 2013 Term. Appellant is permitted to prosecute the appeals upon 9 copies of one record and one copy of appellant's points covering the aforesaid appeals.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
In the Matter of the Application of  
Christine Rubino,  
Petitioner-Respondent,

M-5257  
Index No. 107292/11  
For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

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

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 2, 2012,

And an order of this Court having been entered on March 27, 2012 (M-905) vacating a statutory stay afforded respondents pursuant to CPLR 5519(a) and denying an expedited hearing of the appeal,

And respondents-appellants having moved for an enlargement of time to perfect the aforesaid appeal,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term and continuing the terms of the order of this Court entered on March 27, 2012 (M-905).

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 27, 2012.

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

-----X

In the Matter of

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

**M-4446**  
Docket No. B750-1/09

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

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

Wandalee R.,  
Respondent-Appellant.

- - - - -  
Mark Leider, Esq.,  
Lawyers for Children, Inc.,  
Attorney for the Children.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about August 24, 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, Daniel R. Katz, Esq., 339 West 88<sup>th</sup> Street, Apr. #3, New York, NY 10024, Telephone No. (917) 886-5620, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

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

-against-

**M-5259**  
Ind. No. 3790/10

Nathaniel Gregory,  
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 September 27, 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 notice of appeal 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(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, and 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 27, 2012.

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

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

-----  
Christine P.,  
Petitioner-Appellant, **M-4731**  
Docket No. O-42038/11

-against-

Machiste Q.,  
Respondent-Respondent.  
-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the 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, Daniel R. Katz, Esq., 339 West 88<sup>th</sup> Street, Apt. #3, New York, NY 10024, Telephone No. (917) 886-5620, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
Krell Investor LLC and Krell  
Industries LLC,  
Plaintiffs-Appellants,

-against-

M-5213  
Index No. 650652/09

KI, Inc., formerly known as Krell  
Industries, Inc., et al.,  
Defendants-Respondents.

-----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 September 27, 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 27, 2012.

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

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

-against-

M-4970  
Index No. 392040/10

Ilana Industrial LLC, Steven  
Rosenfeld and 71 Clinton, Inc.,  
Defendants-Appellants,

-and-

Park Avenue Funding, LLC, et al.,  
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about January 19, 2012, and from the same Court and Justice entered on or about July 13, 2012, respectively,

And defendants-appellants having moved for an enlargement of time to perfect the appeal from the order entered 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, sua sponte, the appeals are consolidated permitting appellants to prosecute the appeals upon 9 copies of one record and one set of appellant points covering the appeals and the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before March 18, 2013 for 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 27, 2012.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Herbert Feinberg, etc.,  
Plaintiff-Respondent,

-against-

M-4802  
Index No. 108498/03

Jerome S. Boros, Esq., et al.,  
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 11, 2012 (Appeal No. 6405-6405A),

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

**CORRECTED ORDER – March 4, 2013**

At a 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 27, 2012.

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

-----X

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

Nasir Levon L.,

A 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 of New York, et al.,  
Petitioners-Respondents,

M-4733  
M-4725  
Docket No. **B-32276/10**

Ashley A. B.,  
Respondent-Appellant.

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

-----X

Respondent-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 27, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief (M-4733),

And petitioner-respondent agency having cross-moved for dismissal of the aforesaid appeal for failure to timely perfect (M-4725),

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No.

CORRECTED ORDER – March 4, 2013

(M-4733/M-4725)

-2-

December 27, 2012

347-645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court,** and it is further,

Ordered that the cross motion to dismiss the appeal is denied, with leave to renew if assigned counsel for appellant fails to perfect the appeal within the time allotted by this order or timely move for an enlargement of time to perfect same.

ENTER:



\_\_\_\_\_  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-4794  
Ind. No. 1935/10

Orlando Thomas,

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 30, 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.

Ben Wolff, Esq., The Bronx Defenders, 860 Cortlandt Avenue, Bronx, NY 10451, Telephone No. 718-838-7878, 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 27, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

-against-

M-5378  
Ind. No. 643/10

Dimitri Marshall,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 4, 2012 (M-3481), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 3, 2010, 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 27, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Michael Notaro, et al.,  
Plaintiffs-Respondents,

-against-

M-5394  
Index No. 309543/09

1075 Units, LLC,  
Defendant-Appellant,

1075 Concourse Tenants Corp.,  
Defendant.

-----X

Defendant-appellant 1075 Units, LLC having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 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 27, 2012.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

NYU Hospitals Center,

Plaintiff-Respondent,

-against-

**M-5536**

Index No. 102832/11

Aetna Life Insurance Company,

Defendant-Appellant,

Mei Rong Huang, et al.,

Defendants.

-----X

Defendant-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 18, 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 27, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Illinois National Insurance Company,  
Plaintiff-Respondent-Appellant,

-against-

M-5310  
M-5434  
Index No. 603184/08

Zurich American Insurance Company,  
Hayward Baker, Inc., Robert Boyd and  
Patricia MaGee-Boyd,  
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 20, 2012,

Defendant-appellant-respondent Zurich American Insurance Company having moved for an enlargement of time to perfect its appeal from the aforesaid order (M-5310),

And plaintiff-respondent-appellant Illinois National Insurance Company having moved for an enlargement of time to perfect its cross-appeal from the aforesaid order (M-5434),

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the May 2013 Term (M-5310/M-5434).

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 27, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Zachary Lipsky,  
Plaintiff-Respondent,

-against-

M-5597  
Index No. 112702/08

Manhattan Plaza, Inc., Manhattan  
Plaza Associates, L.P. and Starbucks  
Corporation,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 10, 2012 and from the same Court and Justice entered on or about March 28, 2012 (mot, seq. no, 005), respectively, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is 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 27, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

-against-

M-5440  
Ind. No. 4512/02

Steven Darbasie,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 28, 2012 (M-3210), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 12, 2003,

And defendant having moved for an extension of time in which to file the pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before March 18, 2013 for the June 2013 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 27, 2012.

PRESENT - Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4201  
Ind. No. 4920/01

Lawrence Taylor,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 21, 2006 (Appeal No. 9613), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie G. Wittner, J.), rendered on October 16, 2003,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

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

-----X  
JMB Apparel Designer Group, Inc.,  
Plaintiff-Respondent,

-against-

M-4810  
Index No. 651885/10

Robert S. Arochas, et al.,  
Defendants-Appellants.  
-----X

Defendants-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 November 23, 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 27, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

Andrea DeVries,  
Petitioner,

M-5479  
Index No. 500178/09

Acting in her authority as a Guardian for

Audrey DeVries,

An Incapacitated Person.

-----X

Petitioner having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about November 9, 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 27, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

**M-4964**

Ind. No. 6209/10

Trevell G. Coleman,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Frank Miraglia,  
Petitioner-Appellant,

-against-

State Insurance Fund, et al.,  
Respondents-Respondents.

M-5157  
Index No. 260631/10

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 8, 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 27, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

**M-5381**

Ind. No. 6470/04

Anthony Fontanetta,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 16, 2011,

And a stay of execution and request for bail having been granted on September 22, 2011 by a Justice of this Court, upon certain conditions,

And defendant-appellant having moved for confirmation of the aforesaid stay of execution of sentence 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, on consent, to the extent of continuing the stay of execution and bail, granted on September 22, 2012 by a Justice of this Court pending hearing and determination of the appeal, on the same terms and conditions, and on condition the appeal is perfected on or before March 18, 2013 for the June 2013 Term.

ENTER:

  
CLERK

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

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

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

M-3928  
Ind. No. 3080/04

-against-

CERTIFICATE  
DENYING LEAVE

Ralph Hall,

Defendant.

-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Eduardo Padro, J.), entered on or about June 12, 2012, is hereby denied.

  
\_\_\_\_\_  
Justice

Dated: New York, New York  
December 20, 2012

ENTERED DEC 27 2012

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

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

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

M-4384  
Ind. No. 1397/05

-against-

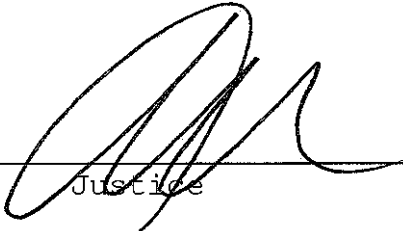
CERTIFICATE  
DENYING LEAVE

**Carlos Barrientos,**

Defendant.

-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Richard D. Carruthers, J.), entered on or about December 14, 2011, is hereby denied.

  
\_\_\_\_\_  
Justice

Dated: New York, New York  
December 20 , 2012

ENTERED DEC 27 2012

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

BEFORE: Hon. David Friedman,  
Associate Justice of the Appellate Division

-----X  
Gama Aviation Inc., et al.,  
Plaintiffs-Appellants,

-against-

M-2685

Sandton Capital Partners, L.P., et al.,  
Defendants-Respondents.

Index No.  
651710/2010

-----X  
KB Acquisition, LLC,  
Counterclaim Plaintiff-Respondent,

-against-

Gama Aviation Inc., et al.,  
Counterclaim Defendants-Appellants,

-and-

Gama Holding Limited,  
Additional Counterclaim Defendant-Appellant.

-----X

Plaintiffs/Counterclaim Defendants-Appellants Gama Aviation Inc.  
and Gama Leasing Limited and Additional Counterclaim Defendant-  
Appellant Gama Holding Limited having moved for leave to appeal to  
this Court from the order of the Supreme Court, New York County,  
entered on or about May 2, 2012, insofar as it denied their motion to  
compel disclosure,

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

It is ordered that the motion is denied as unnecessary.



\_\_\_\_\_  
David Friedman  
Associate Justice

Dated: November 27, 2012  
New York, New York

Entered: **DEC 27 2012**

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

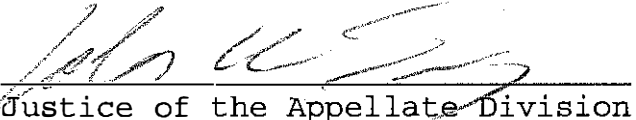
BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

-----X  
The People of the State of New York,  
Respondent, M-5109  
Ind. No.4058/07

-against- CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS  
Equan Sanders,  
Defendant-Appellant.

-----X  
I, John W. Sweeny, Jr., a Justice of the Appellate Division,  
Supreme Court, First Department, do hereby certify that in the  
record and proceedings herein\* questions of law are involved  
which ought to be reviewed by the Court of Appeals and pursuant  
to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named  
respondent to appeal to the Court of Appeals.

  
Justice of the Appellate Division  
Dated: November 29, 2012  
New York, New York

ENTERED: DEC 27 2012

\*Description of Order:  
Supreme Court, New York County, rendered on September 14, 2010  
App. Div., First Dept., Appeal No. 8282, Affd on October 18, 2012

Notice: Within 10 days from the issuance of this certificate,  
a preliminary appeal statement must be filed with the  
Clerk of the Court of Appeals pursuant to Rule 500.9  
of the Court of Appeals Rules.



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

BEFORE: Hon. Rolando T. Acosta  
Justice of the Appellate Division

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

M - 5364  
Ind. No. 5967/06

-against-

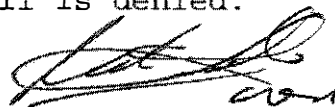
CERTIFICATE  
DENYING LEAVE

Michael Dugan,

Defendant.

-----X

I, Rolando T. Acosta, 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 orders of the Supreme Court, New York County, entered on or about August 4, 2011 is denied.



Hon. Rolando T. Acosta  
Associate Justice

Dated: December 5, 2012  
New York, New York

ENTERED: DEC 27 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-5324  
Ind. No. 1411/2000

-against-

CERTIFICATE  
DENYING LEAVE

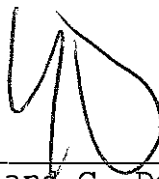
Marcus Brown,  
Defendant.

-----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, New York County, entered on or about July 16, 2012, is hereby denied.

Dated: New York, New York  
November 28, 2012

**ENTERED DEC 27 2012**



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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-5404  
Ind. No. 1983/2000

-against-

CERTIFICATE  
DENYING LEAVE

Devrol Palmer,

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 7, 2012, is hereby denied.

Dated: New York, New York  
December 10, 2012



7 ENTERED DEC 27 2012

---

Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-5390  
Ind. No. 5681/05

-against-

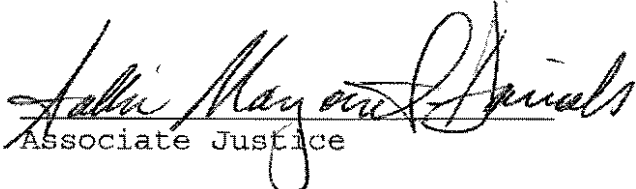
CERTIFICATE  
DENYING LEAVE

Edwin Negron,

Defendant.

-----X

I, Sallie Manzanet-Daniels, 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 April 27, 2012, is hereby denied.

  
Associate Justice

Dated: December 6, 2012  
New York, New York

ENTERED: IEC 27 2012

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

BEFORE: Hon. Judith J. Gische,  
Justice of the Appellate Division

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

M-5543  
Ind. No. 5908/97

-against-

CERTIFICATE  
DENYING LEAVE

Al-Fatah Stewart

Defendant.

-----X

I, Hon. Judith J. Gische, 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 November 14, 2011, is hereby denied.

\_\_\_\_\_  
Associate Justice

Dated: December 12, 2012  
New York, New York

ENTERED: DEC 27 2012

PM ORDERS

ENTERED ON

DECEMBER 20, 2012

At a 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 20, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Helen E. Freedman  
Nelson S. Román  
Judith J. Gische, Justices.

-----X  
Bell & Company, P.C.,  
Plaintiff-Respondent,

-against-

**M-5639**  
Index No. 652017/12

Marc D. Rosen,  
Defendant-Appellant,

Cameo Wealth & Creative Management,  
Inc.,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 8, 2012,

And defendant-appellant having moved for a stay of certain portions of the aforesaid order of the Supreme Court, and for related relief, 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

PM ORDERS

ENTERED ON

DECEMBER 27, 2012



At a 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 27, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

Rahmat Hedvat,  
Plaintiff,

M-3536

-against-

Yonkers Contracting Company, Inc.,  
Defendant-Respondent,

Index No. 111703/07

Chu & Gassman, Consulting  
Engineers - P.C.,  
Defendant,

URS Corporation - New York, etc.,  
Defendant/Third-Party  
Plaintiff-Appellant,

-against-

Index No. 590715/08

Techno Consult, Inc.,  
Third-Party Defendant.

- - - - -

URS Corporation - New York, etc.,  
Second Third-Party  
Plaintiff-Appellant,

-against-

Index No. 590465/09

Stone & Webster Engineering  
New York, P.C.,  
Second Third-Party  
Defendant-Respondent.

-----X

Defendant/third-party plaintiff/second third-party plaintiff-appellant, URS Corporation, - New York, etc. 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. 8068),

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:

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

---

CLERK