

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
281 Broadway Developers LLC,  
Plaintiff-Appellant,

-against-

M-3326X  
Index No. 651991/10

Buck Broadway & Reade L.L.C.,  
Defendant-Respondent,

281 Broadway Holdings LLC,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 19, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 16, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 11, 2012.

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

-----X  
20 West 47th Owner LLC,  
Plaintiff-Respondent,

-against-

M-3360X  
Index No. 600538/08

F.M. Ring Associates, Inc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 10, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 11, 2012.

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

-----X  
In re: Lichtenstein Loan Guaranty Litigation  
-----X  
U.S. Bank National Association, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-3453X  
Index No. 651951/10

Lightstone Holdings LLC, et al.,  
Defendants-Appellants.  
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 3, 2011 (mot. seq. no. 013) and October 4, 2011 (mot. seq. no. 014) respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
George Peters,  
Plaintiff-Appellant,

-against-

M-3472X  
Index No. 600482/07

General Maritime Enterprises  
Corporation,  
Defendant-Respondent,

Stelios Coutsodontis, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 28, 2011 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 25, 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 September 11, 2012.

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

-----X  
Rosanne Caruso,  
Plaintiff-Appellant,

-against-

M-3475X  
Index No. 114825/06

Rudin Management Co., Inc. and  
215 East 68th Street, L.P.,  
Defendants-Respondents.

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

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 1, 2011 (mot. seq. no. 004, 005) and December 27, 2011 (mot. seq. no. 006), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 26, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
D. Jackson Coleman, M.D.,  
Plaintiff-Respondent-Appellant,

-against-

M-3443X  
Index No. 652840/11

Cornell University, et al.,  
Defendants-Appellants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 21, 2011, December 19, 2011 and February 16, 2012, respectively,

And a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 16, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 25, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Sylvia Davis,  
Plaintiff-Respondent,

-against-

**M-5062**  
Index No. 100485/08

CPS 1 Realty GP LLC and Tishman  
Construction Corp.,  
Defendants-Appellants.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 7, 2011,

And defendants-appellants having moved to withdraw the aforesaid appeal,

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

It is ordered that the motion is granted and the appeal is deemed 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 September 11, 2012.

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

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

-against-

M-3268  
Docket No. 9465C/11

Dennis P. Smalls,  
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 December 19, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

-against-

M-3271  
Case No. 39971C/10

Jason Torres,  
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 March 8, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

-against-

M-3265  
Ind. No. 4820/10

Ron Allen,  
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 9, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



The Bronx Defenders, 860 Courtlandt Avenue, Bronx, New York 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 September 11, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

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

Petitioner-Appellant,

**M-3594**

For a Judgment Pursuant to Article 75  
of the CPLR,

Index No. 108154/10

-against-

The New York City Department of  
Education,

Respondent-Respondent.  
-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Parvin Amini,  
Plaintiff-Appellant,

-against-

M-3325  
Index No. 100106/08

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about October 24, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of a Proceeding for  
Support Under Article 4 of the  
Family Court Act.

-----  
Andre Asim M.,  
Petitioner-Appellant,

-against-

M-3598  
Docket No. P2669/09

-----  
Madeline N.,  
Respondent-Respondent.

-----  
Tennille M. Tatum-Evans, Esq.,  
Attorney for Subject Child.

-----X  
Petitioner-appellant having moved for a further enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about March 17, 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 on or before November 5, 2012 for the January 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Victoria Quade, also known as  
Victoria C. Quade,  
Petitioner-Appellant,

-against-

Entertainment Events, Inc.,  
Respondent-Respondent.

M-3398  
M-3612  
Index No. 650802/11

-----X

Petitioner-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 September 16, 2011 (M-3398),

And respondent-respondent having cross-moved to dismiss the aforesaid appeal for failure to timely prosecute (M-3612),

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 enlarging the time to perfect the appeal to the January 2013 Term (M-3398). The cross motion is denied (M-3612).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Start Elevator, Inc.,  
Plaintiff-Appellant,

-against-

New York City Housing Authority,  
Defendant-Respondent.

-----X

**M-3261**

**M-3497**

Index No. 108412/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 1, 2010,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-3261),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal (M-3497),

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 plaintiff-appellant's motion is granted to the extent of enlarging the time to perfect the appeal to on or before November 5, 2012 for the January 2013 Term (M-3261). Defendant-respondent's cross motion to dismiss the appeal is granted unless the appeal is perfected for said January 2013 Term (M-3497). Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendant-respondent serves a copy of this order upon the plaintiff-appellant 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Naum Freidman,  
Plaintiff-Appellant,

-against-

M-3515  
Index No. 650106/11

Yakov, also known as Jacob Fayenson,  
et al.,  
Defendants-Respondents,

Korm Realty Inc.,  
Nominal Defendant-Respondent.

-----X  
Jacob Fayenson Revocable Trust,  
Counterclaim Plaintiff-Respondent,

-against-

Naum Freidman, Evgeny Freidman,  
Tenenbaum & Berger, LLP,  
Counterclaim Defendants-Appellants,

Korm Realty Inc.,  
Nominal Defendant-Respondent.

-----X

Counterclaim 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 October 25, 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 on or before December 31, 2012 for 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Howard Raymond, by his Guardian Ad Litem Sandra Gardner, et al., etc.,  
Plaintiffs-Respondents,

Action No. 1

-against-

Index No. 22623/06

The City of New York,  
Defendant-Appellant,

M-3056

Estate of Keywann Gardner, et al.,  
Defendants.

- - - - -  
Keisha Wright, as Administratrix of the Estate of Keywann Gardner,  
Plaintiff-Respondent,

Action No. 2

-against-

Index No. 6195/07

The City of New York,  
Defendant-Appellant,

Charles Williamson, et al.,  
Defendants.

-----X

Defendant-appellant the City of New York having moved for an enlargement of time to perfect the consolidated appeals taken from the order of the Supreme Court, Bronx County, entered on or about January 5, 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 consolidated appeals to the January 2013 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-3595  
Ind. No. 829/08

Nathan Sams,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2009, having moved for an extension of time to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 5, 2012 for the January 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of the Application of  
A.R.E. Group Inc.,  
Petitioner,

For an Order Summarily Discharging  
of Record a Notice of Lien  
dated February 24, 2011,

M-3523  
Index No. 650359/12

-against-

New York Contracting and Construction  
Management Corporation, Lienor,  
Respondent-Appellant.

-----X  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 20, 2012 (mot. seq. no. 002),

And an order by a Justice of this Court having been entered on July 27, 2012, granting respondent-appellant an interim stay of enforcement of the aforesaid order,

And respondent-appellant having moved for a stay of enforcement of the aforesaid order 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, and the interim relief granted by an order of a Justice of this Court dated July 27, 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 September 11, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**SEALED**  
M-3589  
Ind. No. 4974/80

Clifford Jones,  
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on January 11, 2011 (M-5805), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 19, 2010,

And Howard B. Comet, Esq., of counsel for Weil, Gotshal & Manges, LLP, having moved on behalf of the Innocence Project for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to file 9 copies of the brief amicus curiae forthwith.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT : Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Thomas Barbarito, in his own right,  
and derivatively on behalf of  
Admit One, LLC, and Donna  
Barbarito,  
Plaintiffs-Respondents,

-against-

M-3386  
Index No. 651300/11

Leor Zahavi, et al.,  
Defendants,

Mark J. Seelig, Meister Seelig & Fein  
LLP,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about December 22, 2011 and June 21, 2012 (mot. seq. no. 006), 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 permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals.

ENTER:

  
CLERK



**CORRECTED ORDER – September 14, 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Kevin Strong,  
Plaintiff-Appellant,

-against-

M-3561  
**Index No. 110470/09**

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

Geraldo Falcon,  
Defendant.

-----X  
Miguel Carrasquillo, Rosa Carrasquillo,  
Plaintiffs-Appellants,

-against-

Third-Party  
**Index No. 104168/10**

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

Geraldo Falcon,  
Defendant.

-----  
(And another action)

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about September 20, 2011 and February 7, 2012 (mot. seq. no. 004), respectively,

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 and appellant is permitted to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals.

CORRECTED ORDER – September 14, 2012

M-3561

-2-

September 11, 2012

It is further ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the January 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 September 11, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Aurea Ortiz,  
Petitioner,

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

M-3190  
Index No. 113043/11

-against-

Gladys Carrión, Commissioner of the  
New York State Office of Children  
and Family Services, et al.,  
Respondents.

-----X

An Article 78 proceeding to review a determination of the respondent Commissioner of the New York State Office of Children and Family Services having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 22, 2012,

And petitioner having moved for an order enlarging the record to include transcripts of hearings held on or about October 28, 2010, December 8, 2010, May 31, 2011 and July 7, 2011, and for related 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 granted to the extent of directing respondents to provide transcripts of the hearings pertaining to petitioner's eligibility for exceptional rate benefits held on or about October 28, 2010, December 8, 2010, May 31, 2011 and July 7, 2011, respectively. The motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
William Riviera,  
Plaintiff-Appellant,

-against-

M-3628  
Index No. 309161/09

MTA Bus Company,  
Defendant-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about May 18, 2012, and said appeal having been perfected,

And defendant-respondent having moved for dismissal of the aforesaid appeal, or for alternative relief,

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 appeal is deemed timely taken pursuant to CPLR 5520[a]; and the motion is granted to the extent of adjourning the aforesaid appeal to the December 2012 Term, and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Joyce E. Francis,  
Plaintiff-Respondent,

-against-

M-3622  
Index No. 102777/11

Christian Eisenbeiss and CRE  
Capital LLC,  
Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 30, 2012, and said appeal having been perfected,

And plaintiff-respondent moved for dismissal of the aforesaid appeal for failure to submit a complete record on appeal or, in the alternative, for an order compelling defendants-appellants to submit a supplemental record on appeal containing defendants-appellants' Memorandum of Law in Support of their Motion to Dismiss the Complaint, and for an enlargement of time for plaintiff-respondent to submit her 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 granting plaintiff-respondent leave to supplemental the record on appeal forthwith containing the aforesaid document (Exhibit B to the moving papers) at her own expense, if so advised. The appeal is adjourned to the November 2012 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 September 11, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Dwayne Moore,  
Plaintiff-Appellant,

-against-

M-2486  
Index No. 407020/07

Federated Department Stores & Macy's,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 24, 2012 (Appeal Nos. 7479/7479A),

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 September 11, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Karla Moskowitz  
Nelson S. Román, Justices.

-----X

112 West 34th Street  
Associates, LLC,  
Plaintiff-Respondent,

-against-

M-2731  
Index No. 100846/09

112-1400 Trade Properties LLC,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 8, 2012 (Appeal Nos. 7041/7041A),

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 September 11, 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-2699  
Ind. No. 3209/11

German Torres, also known as Mouse,  
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 March 6, 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.



Glenn R. Abolafia, Esq., 80 Wall Street, Suite 815, New York, NY 10005, Telephone No. (212) 227-4716, 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 September 11, 2012.

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

-----X  
Joyce Villarin,

Plaintiff-Respondent,

-against-

M-2743

Index No. 108417/09

The Rabbi Haskel Lookstein School,  
also known as The Ramaz School,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 12, 2012 (Appeal No. 6220),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X

Ivor W. Gilkes, Jr.,

Plaintiff-Respondent,

-against-

M-1751

Index No. 104730/09

New York Wholesale Paper Corp.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 15, 2011 (Appeal Nos. 6022 and 6023),

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 September 11, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X  
Aaron Elkin,  
Plaintiff-Appellant,

-against-

M-2992  
Index No. 105411/08

Andrea Labis,  
Defendant-Respondent.

-----X

Appeals having been taken by plaintiff from orders of the Supreme Court, New York County, entered on or about November 16, 2009, from a judgment of the said Court entered on or about January 22, 2010, four separate orders of the said Court entered on or about April 25, 2011, and from the order of said Court entered on or about January 20, 2012, respectively,

And an ex parte order of this Court having been entered on April 18, 2012 (M-1844), dismissing plaintiff's appeals from the orders of the Supreme Court, New York County, entered on or about November 16, 2009, from the judgment of the said Court entered on or about January 22, 2010, and from four separate orders of the said Court entered on or about April 25, 2011,

And an order of this Court having been entered on May 17, 2012 (M-1779), denying, as academic, plaintiff's motion for consolidation of the aforesaid appeals,

And an order of this Court having been entered on June 7, 2012 (M-2015), denying plaintiff's motion for a stay of all Supreme Court proceedings,

And plaintiff having moved for (1) reargument of the order of this Court entered May 17, 2012 (M-1779) which, inter alia, denied an enlargement of time to perfect the appeals and for consolidation of same, and (2) for reargument of the order of this Court entered on June 7, 2012 (M-2015) which denied plaintiff's motion for a stay of Supreme Court proceedings pending hearing and determination of the appeals taken therefrom,

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

It is ordered that the motion is granted to the extent of (1) vacating so much of the ex parte order of this Court entered April 18, 2012, as dismissed the appeals from (a) the order of the Supreme Court, New York County, entered on or about April 25, 2011, denominated "Order of Custody and Visitation" and (b) the order of said Court also entered on or about April 25, 2011 which, inter alia, directed to plaintiff to arrange therapeutic visits, respectively, and reinstating same, and (2) granting reargument of the order of this Court entered May 17, 2012 to the extent of consolidating the aforesaid two reinstated appeals with plaintiff-appellant's appeal from the aforesaid order entered January 20, 2012 and enlarging the time to perfect the consolidated appeals to on or before November 5, 2012 for the January 2013 Term, and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X

Lizden Industries, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

Franco Belli Plumbing and Heating  
and Sons, Inc., et al.,  
Defendant,

Okanaga U.S.A. Co., Ltd. et al.,  
Defendants-Appellants-Respondents.

-----X

M-2975  
M-3039  
Index No. 601420/06

Plaintiff-respondent-appellant Lizden Industries, Inc. having moved for reargument of the decision and order of this Court entered on May 29, 2012 (Appeal No. 7777) [M-2975],

And defendant-appellant-respondent Okanaga U.S.A. having cross-moved for the same relief [M-3039],

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

It is ordered that the motion and cross motion are denied [M-2975/M-3039].

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X

Cedarwoods CRE CDO II, Ltd., et al.,  
Plaintiffs-Appellants,

-against-

M-2964  
Index No. 653624/11

Galante Holdings, Inc., et al.,  
Defendants-Respondents,

Hotspur Resorts Nevada, Ltd., et al.,  
Defendants.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 19, 2012 (Appeal No. 7988),

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 September 11, 2012.

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

-----X  
George McGrath, Jr.,  
Plaintiff-Appellant,

-against-

Hanger Prosthetics & Orthotics, Inc.  
and Townsend Design,  
Defendants-Respondents.

-----X

M-2887  
M-2998  
Index No. 102769/06

Defendant-respondent Hanger Prosthetics & Orthotics, Inc. having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about February 4, 2010, for failure to timely perfect (M-2887),

And defendant-respondent Townsend Design having separately moved for the aforesaid relief (M-2998),

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 and the appeal is dismissed.

ENTER :

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

Marilyn Howell,  
Petitioner,

M-3247  
Index No. 402807/09

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

-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 April 25, 2011,

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

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

Ordered that the motion is granted and the proceeding is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 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-3241  
Ind. No. 5600N/06

Jeffery Lewis,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 11, 2011, and for leave to prosecute the appeal as a poor person, 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 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 **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 September 11, 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-3357  
Ind. No. 6115/99

Dominick Florio,  
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of **resentence** of the Supreme Court, New York County, rendered on or about March 2, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

Respondent,

-against-

**M-3036**  
Ind. No. 4721/07

Juan Delacruz,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 14, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the District Attorney of said county and 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. Defendant-appellant's time in which to perfect the appeal is 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 September 11, 2012.

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

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

-----  
Liza P., **M-3256**  
Petitioner-Respondent, Docket No. V20848/11

-against-

Kevin P.,  
Respondent-Appellant.  
-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about February 29, 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.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 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-3216  
Ind. No. 3209/11

Hector Benitez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 21, 2012 (M-2099A), inter alia, 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 April 4, 2012, 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, 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, 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 September 11, 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-3225  
Ind. No. 5973/09

Jeremy Fulton,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 13, 2012 (M-186), 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 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, 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, 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 September 11, 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-3119**

Ind. No. 1308/10

Jonathan Jones,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 8, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Milton H. Florez, Esq., and to post the \$15,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

-against-

John Stone,  
Defendant-Appellant.

**M-3140**  
Ind. No. 3798/10  
Case No. 61820C/10

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 9, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 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  
ex rel. Derrick Graham,

Petitioner,

-against-

Warden, Artemio Colon, M.D.C.,

Respondent.  
-----x

M-3065  
Index No. 400837/12  
SCID No. 30076/12

Relator-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about May 4, 2012, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and 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 denied, with leave to renew upon submission of a timely filed notice of appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Ilaissant Gernier,  
Plaintiff-Appellant,

-against-

M-2954  
Index No. 103985/09

545 West 147<sup>th</sup> Street, LLC, Tahl  
Property Equities, LLC, Manhattan  
North Management LLC and Consolidated  
Elevator  
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 3, 2011, for failure to timely perfect, 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 dismissing the appeal unless perfected for the January 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 September 11, 2012.

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

-----X  
Richard Djeddah,

Plaintiff-Respondent,

-against-

M-3072  
Index No. 350094/00

Rachel Djeddah,

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 August 24, 2011 (mot. seq. nos. 017, 019),

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 January 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 September 11, 2012.

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

-----X  
Admiral Indemnity Company as subrogee  
of Place 57 Condominium Association,  
Plaintiffs-Respondents,

-against-

M-3154  
Action No. 1  
Index No. 102772/08

Bovis Lend Lease LMB, Inc.,  
Defendant-Respondent,

R & J Construction Corp.,  
Defendant-Appellant.

-----X  
Admiral Indemnity Co. as subrogee  
of Place 57 Condominium Association,  
Plaintiffs-Respondents,

-against-

Action No. 2  
Index No. 102773/08

Bovis Lend Lease LMB, Inc. and EPIC  
Mechanical Contractors, LLC,  
Defendants-Respondents.

-----X

Defendant-appellant R & J Construction Corp. 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 February 7, 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 January 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 September 11, 2012.

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

-----X  
Christopher Dubose,

Plaintiff-Appellant,

-against-

M-3195  
Index No. 309789/08

W. Associates, LLC, et al.,

Defendants-Respondents.  
-----X

Plaintiff-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 September 22, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

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

-----X  
Netologic, Inc., doing business as  
Investars®,  
Plaintiff-Appellant,

-against-

M-3222  
Index No. 600394/09

The Goldman Sachs Group, Inc.,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 4, 2011 (mot. seq. nos. 001, 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

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

-----X  
Board of Managers of the Shorehaven  
Condominium,  
Plaintiff-Respondent,

-against-

M-3324  
Index No. 307210/08

Hector Pina & Jacqueline Garcia-Pina,  
Defendants-Respondents,

Amit Louzon,  
Non-Party Appellant.

-----X

Non-party appellant Amit Louzon having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, dated October 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 January 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 September 11, 2012.

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

-----X  
William Lugo,  
Plaintiff-Respondent,

-against-

Purple and White Markets, Inc., doing business as Associated Supermarket, Defendant, M-3205  
M-3391  
Index No. 300682/08

White Rose, Inc., White Rose Foods, Inc., Rose Trucking Corp., and DiGiorgio Corp.,  
Defendants-Appellants.

-----X  
White Rose, Inc., White Rose Foods, Inc., Rose Trucking Corp., and DiGiorgio Corp.,  
Third-Party Plaintiffs-Appellants, Third-Party  
Index No. 84169/08

-against-

Fica Transportation, Inc.,  
Third-Party Defendant.

-----X

An order of this Court having been entered March 29, 2012 (M-674) consolidating the appeals and cross appeal taken from the orders of the Supreme Court, Bronx County, entered on or about April 11, 2011 (mot. seq. no. 012) and July 18, 2011, respectively,

And defendants/third-party-plaintiffs-appellants White Rose having moved for an enlargement of time to perfect its consolidated appeals (M-3205),

And third-party defendant Fica Transportation having cross-moved for an enlargement of time to perfect its cross appeal (M-3391),

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 December 2012 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 September 11, 2012.

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

-----x

Randolph Price, etc., et al.,

Plaintiffs-Respondents,

-against-

M-3007

Index No. 18342/00

Montefiore Medical Center,

Defendant-Appellant.

-----x

Defendant-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 March 21, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 September 11, 2012.

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

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

- - - - -  
Coumba F.,  
Petitioner-Respondent,

M-3150  
Docket No. O-01839/08

-against-

Mamadou K.,  
Respondent-Appellant.

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

-----X  
An appeal having been taken from the order of the Family Court, Bronx County, entered on or about March 10, 2011,

And respondent-appellant father having moved for an enlargement of time in which 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 in which to perfect the appeal to the January 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 September 11, 2012.

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

-----X  
Rondi D'Agostino,  
Plaintiff-Appellant,

-against-

M-3370  
Index No. 651452/11

Ling Kwok, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 17, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

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

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

-against-

**M-3015**  
**M-3238**  
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 defendants-appellants, Zurich American Insurance Company, et al., and American Bridge Company, having jointly moved for an enlargement of time to perfect their respective appeals (M-3015),

And defendant-appellant, American Home Assurance Company, having cross-moved for the same relief (M-3238),

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 defendants' time to perfect their respective appeals to the January 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 September 11, 2012.

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

-----X  
Pablo Rivas,  
Plaintiff-Appellant,

-against-

LeMadre Development, LLC, et al.,  
Defendants-Respondents.

M-3177  
Index No. 113534/09

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about October 19, 2011 and November 1, 2011, 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 appeal to the February 2013 Term.

ENTER:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Robert Susko and Catherine Susko,  
Plaintiffs-Respondents,

-against-

M-3147  
Index No. 115075/08

377 Greenwich LLC, 377 Greenwich  
Operating LLC doing business as  
Wellington Hotel,  
Defendants-Appellants,

Magnetic Construction Group Corp.,  
Defendant-Respondent.

-----X  
Magnetic Construction Group Corp.,  
Third-Party Plaintiff-Respondent,

-against-

Third Party  
Index No. 590800/09

Allegheny Plaster and Stucco, Inc.,  
Third-Party Defendant-Respondent.

-----X  
377 Greenwich LLC and 377 Greenwich  
Operating LLC, doing business as  
Wellington Hotel,  
Second Third-Party  
Plaintiffs-Appellants,

-against-

Second Third Party  
Index No. 590884/09

K&M Plaster, Inc.,  
Second Third-Party  
Defendant-Respondent.

-----X

Defendants/second third-party plaintiffs-appellants 377  
Greenwich LLC and 377 Greenwich Operating LLC, doing business as  
Wellington Hotel, having moved for a stay of trial pending  
hearing and determination of the appeal taken from the order of  
the Supreme Court, New York County, entered on or about April 3,  
2012 (mot. seq. no. 006),

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

It is ordered that the motion is granted on condition the appeal is perfected on or before November 5, 2012 for the January 2013 Term.

ENTER:

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

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 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  
ex rel. Hilary Best,  
Petitioner-Appellant,

-against-

**M-3021**  
Index No. 400601/12

Thomas Hall, Warden, Otis Bantum  
Correctional Center,  
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, dated April 5, 2012, denying petitioner's application for a writ of habeas corpus and dismissing the writ,

And petitioner having moved for an order summarily reversing the aforesaid judgment and directing petitioner's immediate release, and for related relief,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Thomas Gass,  
Plaintiff-Respondent,

-against-

**M-3083**  
Index No. 302536/08

Susan Gass,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 4, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 9 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-4941B  
Ind. Nos. 1355N/06  
3564/08

Richard Bahamonte,  
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 July 2, 2010, 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. The order of this Court entered on January 18, 2011 (M-4941A) is hereby recalled and vacated.

ENTER:

  
CLERK

APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

Respondent,

M-2388  
NY Co.  
Ind. No. 4301/08

-against-

CERTIFICATE  
GRANTING LEAVE

Auvryn Scarlett,

Defendant-Appellant.  
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about April 18, 2012.<sup>1</sup>

Dated: New York, New York

**ENTERED SEP 11 2012**

*David B. Saxe*

Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
281 Broadway Developers LLC,  
Plaintiff-Appellant,

-against-

M-3326X  
Index No. 651991/10

Buck Broadway & Reade L.L.C.,  
Defendant-Respondent,

281 Broadway Holdings LLC,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 19, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 16, 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 September 11, 2012.

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

-----X  
20 West 47th Owner LLC,  
Plaintiff-Respondent,

-against-

M-3360X  
Index No. 600538/08

F.M. Ring Associates, Inc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 10, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 19, 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 September 11, 2012.

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

-----X  
In re: Lichtenstein Loan Guaranty Litigation  
-----X  
U.S. Bank National Association, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-3453X  
Index No. 651951/10

Lightstone Holdings LLC, et al.,  
Defendants-Appellants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 3, 2011 (mot. seq. no. 013) and October 4, 2011 (mot. seq. no. 014) respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
George Peters,  
Plaintiff-Appellant,

-against-

M-3472X  
Index No. 600482/07

General Maritime Enterprises  
Corporation,  
Defendant-Respondent,

Stelios Coutsodontis, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 28, 2011 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 25, 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 September 11, 2012.

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

-----X  
Rosanne Caruso,  
Plaintiff-Appellant,

-against-

M-3475X  
Index No. 114825/06

Rudin Management Co., Inc. and  
215 East 68th Street, L.P.,  
Defendants-Respondents.

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

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 1, 2011 (mot. seq. no. 004, 005) and December 27, 2011 (mot. seq. no. 006), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 26, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
D. Jackson Coleman, M.D.,  
Plaintiff-Respondent-Appellant,

-against-

M-3443X  
Index No. 652840/11

Cornell University, et al.,  
Defendants-Appellants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 21, 2011, December 19, 2011 and February 16, 2012, respectively,

And a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 16, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 25, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Sylvia Davis,  
Plaintiff-Respondent,

-against-

**M-5062**  
Index No. 100485/08

CPS 1 Realty GP LLC and Tishman  
Construction Corp.,  
Defendants-Appellants.  
-----X

(And other actions)  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 7, 2011,

And defendants-appellants having moved to withdraw the aforesaid appeal,

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

It is ordered that the motion is granted and the appeal is deemed 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 September 11, 2012.

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

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

-against-

M-3268  
Docket No. 9465C/11

Dennis P. Smalls,  
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 December 19, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

-against-

M-3271  
Case No. 39971C/10

Jason Torres,  
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 March 8, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

-against-

M-3265  
Ind. No. 4820/10

Ron Allen,  
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 9, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-3734

Docket No. 41513C/11

Esmilta Fernandez,

Defendant-Appellant.

-----X

Defendant having moved, both pro se and through trial counsel, for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx 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.

The Bronx Defenders, 860 Courtlandt Avenue, Bronx, New York 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 September 11, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of Theodore Smith,

Petitioner-Appellant,

**M-3594**

For a Judgment Pursuant to Article 75 of the CPLR,

Index No. 108154/10

-against-

The New York City Department of Education,

Respondent-Respondent.

-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Parvin Amini,  
Plaintiff-Appellant,

-against-

M-3325  
Index No. 100106/08

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about October 24, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of a Proceeding for  
Support Under Article 4 of the  
Family Court Act.

-----  
Andre Asim M.,  
Petitioner-Appellant,

-against-

M-3598  
Docket No. P2669/09

-----  
Madeline N.,  
Respondent-Respondent.

-----  
Tennille M. Tatum-Evans, Esq.,  
Attorney for Subject Child.

-----X  
Petitioner-appellant having moved for a further enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about March 17, 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 on or before November 5, 2012 for the January 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Victoria Quade, also known as  
Victoria C. Quade,  
Petitioner-Appellant,

-against-

Entertainment Events, Inc.,  
Respondent-Respondent.

M-3398  
M-3612  
Index No. 650802/11

-----X

Petitioner-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 September 16, 2011 (M-3398),

And respondent-respondent having cross-moved to dismiss the aforesaid appeal for failure to timely prosecute (M-3612),

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 enlarging the time to perfect the appeal to the January 2013 Term (M-3398). The cross motion is denied (M-3612).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Start Elevator, Inc.,  
Plaintiff-Appellant,

-against-

New York City Housing Authority,  
Defendant-Respondent.

-----X

**M-3261**

**M-3497**

Index No. 108412/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 1, 2010,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-3261),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal (M-3497),

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 plaintiff-appellant's motion is granted to the extent of enlarging the time to perfect the appeal to on or before November 5, 2012 for the January 2013 Term (M-3261). Defendant-respondent's cross motion to dismiss the appeal is granted unless the appeal is perfected for said January 2013 Term (M-3497). Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendant-respondent serves a copy of this order upon the plaintiff-appellant 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Naum Freidman,  
Plaintiff-Appellant,

-against-

M-3515  
Index No. 650106/11

Yakov, also known as Jacob Fayenson,  
et al.,  
Defendants-Respondents,

Korm Realty Inc.,  
Nominal Defendant-Respondent.

-----X  
Jacob Fayenson Revocable Trust,  
Counterclaim Plaintiff-Respondent,

-against-

Naum Freidman, Evgeny Freidman,  
Tenenbaum & Berger, LLP,  
Counterclaim Defendants-Appellants,

Korm Realty Inc.,  
Nominal Defendant-Respondent.

-----X

Counterclaim 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 October 25, 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 on or before December 31, 2012 for 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Howard Raymond, by his Guardian Ad Litem Sandra Gardner, et al., etc.,  
Plaintiffs-Respondents,

Action No. 1

-against-

Index No. 22623/06

The City of New York,  
Defendant-Appellant,

M-3056

Estate of Keywann Gardner, et al.,  
Defendants.

- - - - -  
Keisha Wright, as Administratrix of the Estate of Keywann Gardner,  
Plaintiff-Respondent,

Action No. 2

-against-

Index No. 6195/07

The City of New York,  
Defendant-Appellant,

Charles Williamson, et al.,  
Defendants.

-----X

Defendant-appellant the City of New York having moved for an enlargement of time to perfect the consolidated appeals taken from the order of the Supreme Court, Bronx County, entered on or about January 5, 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 consolidated appeals to the January 2013 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-3595  
Ind. No. 829/08

Nathan Sams,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2009, having moved for an extension of time to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 5, 2012 for the January 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 September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of the Application of  
A.R.E. Group Inc.,  
Petitioner,

For an Order Summarily Discharging  
of Record a Notice of Lien  
dated February 24, 2011,

M-3523  
Index No. 650359/12

-against-

New York Contracting and Construction  
Management Corporation, Lienor,  
Respondent-Appellant.

-----X  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 20, 2012 (mot. seq. no. 002),

And an order by a Justice of this Court having been entered on July 27, 2012, granting respondent-appellant an interim stay of enforcement of the aforesaid order,

And respondent-appellant having moved for a stay of enforcement of the aforesaid order 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, and the interim relief granted by an order of a Justice of this Court dated July 27, 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 September 11, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

Clifford Jones,  
Defendant-Appellant.

**SEALED**  
M-3589  
Ind. No. 4974/80

-----X

An order of a Justice of this Court having been entered on January 11, 2011 (M-5805), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 19, 2010,

And Howard B. Comet, Esq., of counsel for Weil, Gotshal & Manges, LLP, having moved on behalf of the Innocence Project for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to file 9 copies of the brief amicus curiae forthwith.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT : Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Thomas Barbarito, in his own right,  
and derivatively on behalf of  
Admit One, LLC, and Donna  
Barbarito,  
Plaintiffs-Respondents,

-against-

M-3386  
Index No. 651300/11

Leor Zahavi, et al.,  
Defendants,

Mark J. Seelig, Meister Seelig & Fein  
LLP,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about December 22, 2011 and June 21, 2012 (mot. seq. no. 006), 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 permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Kevin Strong,  
Plaintiff-Appellant,

-against-

M-3561  
Index No. 470/09

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

Geraldo Falcon,  
Defendant.

-----X  
Miguel Carrasquillo, Rosa Carrasquillo,  
Plaintiffs-Appellants,

-against-

Third-Party  
Index No. 4168/10

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

Geraldo Falcon,  
Defendant.

-----  
(And another action)

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about September 20, 2011 and February 7, 2012 (mot. seq. no. 004), respectively,

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 and appellant is permitted to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals.

It is further ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the January 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 September 11, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Aurea Ortiz,  
Petitioner,

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

M-3190  
Index No. 113043/11

-against-

Gladys Carrión, Commissioner of the  
New York State Office of Children  
and Family Services, et al.,  
Respondents.

-----X

An Article 78 proceeding to review a determination of the respondent Commissioner of the New York State Office of Children and Family Services having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 22, 2012,

And petitioner having moved for an order enlarging the record to include transcripts of hearings held on or about October 28, 2010, December 8, 2010, May 31, 2011 and July 7, 2011, and for related 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 granted to the extent of directing respondents to provide transcripts of the hearings pertaining to petitioner's eligibility for exceptional rate benefits held on or about October 28, 2010, December 8, 2010, May 31, 2011 and July 7, 2011, respectively. The motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
William Riviera,  
Plaintiff-Appellant,

-against-

M-3628  
Index No. 309161/09

MTA Bus Company,  
Defendant-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about May 18, 2012, and said appeal having been perfected,

And defendant-respondent having moved for dismissal of the aforesaid appeal, or for alternative relief,

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 appeal is deemed timely taken pursuant to CPLR 5520[a]; and the motion is granted to the extent of adjourning the aforesaid appeal to the December 2012 Term, and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Joyce E. Francis,  
Plaintiff-Respondent,

-against-

M-3622  
Index No. 102777/11

Christian Eisenbeiss and CRE  
Capital LLC,  
Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 30, 2012, and said appeal having been perfected,

And plaintiff-respondent moved for dismissal of the aforesaid appeal for failure to submit a complete record on appeal or, in the alternative, for an order compelling defendants-appellants to submit a supplemental record on appeal containing defendants-appellants' Memorandum of Law in Support of their Motion to Dismiss the Complaint, and for an enlargement of time for plaintiff-respondent to submit her 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 granting plaintiff-respondent leave to supplemental the record on appeal forthwith containing the aforesaid document (Exhibit B to the moving papers) at her own expense, if so advised. The appeal is adjourned to the November 2012 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 September 11, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Dwayne Moore,  
Plaintiff-Appellant,

-against-

M-2486  
Index No. 407020/07

Federated Department Stores & Macy's,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 24, 2012 (Appeal Nos. 7479/7479A),

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 September 11, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Karla Moskowitz  
Nelson S. Román, Justices.

-----X

112 West 34th Street  
Associates, LLC,  
Plaintiff-Respondent,

-against-

M-2731  
Index No. 100846/09

112-1400 Trade Properties LLC,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 8, 2012 (Appeal Nos. 7041/7041A),

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 September 11, 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-2699  
Ind. No. 3209/11

German Torres, also known as Mouse,  
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 March 6, 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.

Glenn R. Abolafia, Esq., 80 Wall Street, Suite 815, New York, NY 10005, Telephone No. (212) 227-4716, 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 September 11, 2012.

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

-----X  
Joyce Villarin,  
Plaintiff-Respondent,

-against-

M-2743  
Index No. 108417/09

The Rabbi Haskel Lookstein School,  
also known as The Ramaz School,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 12, 2012 (Appeal No. 6220),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X

Ivor W. Gilkes, Jr.,

Plaintiff-Respondent,

-against-

M-1751

Index No. 104730/09

New York Wholesale Paper Corp.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 15, 2011 (Appeal Nos. 6022 and 6023),

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 September 11, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X  
Aaron Elkin,  
Plaintiff-Appellant,

-against-

M-2992  
Index No. 105411/08

Andrea Labis,  
Defendant-Respondent.

-----X

Appeals having been taken by plaintiff from orders of the Supreme Court, New York County, entered on or about November 16, 2009, from a judgment of the said Court entered on or about January 22, 2010, four separate orders of the said Court entered on or about April 25, 2011, and from the order of said Court entered on or about January 20, 2012, respectively,

And an ex parte order of this Court having been entered on April 18, 2012 (M-1844), dismissing plaintiff's appeals from the orders of the Supreme Court, New York County, entered on or about November 16, 2009, from the judgment of the said Court entered on or about January 22, 2010, and from four separate orders of the said Court entered on or about April 25, 2011,

And an order of this Court having been entered on May 17, 2012 (M-1779), denying, as academic, plaintiff's motion for consolidation of the aforesaid appeals,

And an order of this Court having been entered on June 7, 2012 (M-2015), denying plaintiff's motion for a stay of all Supreme Court proceedings,

And plaintiff having moved for (1) reargument of the order of this Court entered May 17, 2012 (M-1779) which, inter alia, denied an enlargement of time to perfect the appeals and for consolidation of same, and (2) for reargument of the order of this Court entered on June 7, 2012 (M-2015) which denied plaintiff's motion for a stay of Supreme Court proceedings pending hearing and determination of the appeals taken therefrom,

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

It is ordered that the motion is granted to the extent of (1) vacating so much of the ex parte order of this Court entered April 18, 2012, as dismissed the appeals from (a) the order of the Supreme Court, New York County, entered on or about April 25, 2011, denominated "Order of Custody and Visitation" and (b) the order of said Court also entered on or about April 25, 2011 which, inter alia, directed to plaintiff to arrange therapeutic visits, respectively, and reinstating same, and (2) granting reargument of the order of this Court entered May 17, 2012 to the extent of consolidating the aforesaid two reinstated appeals with plaintiff-appellant's appeal from the aforesaid order entered January 20, 2012 and enlarging the time to perfect the consolidated appeals to on or before November 5, 2012 for the January 2013 Term, and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X

Lizden Industries, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

Franco Belli Plumbing and Heating  
and Sons, Inc., et al.,  
Defendant,

Okanaga U.S.A. Co., Ltd. et al.,  
Defendants-Appellants-Respondents.

-----X

M-2975  
M-3039  
Index No. 601420/06

Plaintiff-respondent-appellant Lizden Industries, Inc. having moved for reargument of the decision and order of this Court entered on May 29, 2012 (Appeal No. 7777) [M-2975],

And defendant-appellant-respondent Okanaga U.S.A. having cross-moved for the same relief [M-3039],

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

It is ordered that the motion and cross motion are denied [M-2975/M-3039].

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
Cedarwoods CRE CDO II, Ltd., et al.,  
Plaintiffs-Appellants,

-against-

M-2964  
Index No. 653624/11

Galante Holdings, Inc., et al.,  
Defendants-Respondents,

Hotspur Resorts Nevada, Ltd., et al.,  
Defendants.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 19, 2012 (Appeal No. 7988),

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 September 11, 2012.

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

-----X  
George McGrath, Jr.,  
Plaintiff-Appellant,

-against-

Hanger Prosthetics & Orthotics, Inc.  
and Townsend Design,  
Defendants-Respondents.

M-2887  
M-2998  
Index No. 102769/06

-----X

Defendant-respondent Hanger Prosthetics & Orthotics, Inc. having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about February 4, 2010, for failure to timely perfect (M-2887),

And defendant-respondent Townsend Design having separately moved for the aforesaid relief (M-2998),

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 and the appeal is dismissed.

ENTER :

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

Marilyn Howell,  
Petitioner,

M-3247  
Index No. 402807/09

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

-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 April 25, 2011,

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

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

Ordered that the motion is granted and the proceeding is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 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-3241  
Ind. No. 5600N/06

Jeffery Lewis,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 11, 2011, and for leave to prosecute the appeal as a poor person, 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 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 **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 September 11, 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-3357  
Ind. No. 6115/99

Dominick Florio,  
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of **resentence** of the Supreme Court, New York County, rendered on or about March 2, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

Respondent,

-against-

**M-3036**

Ind. No. 4721/07

Juan Delacruz,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 14, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the District Attorney of said county and 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. Defendant-appellant's time in which to perfect the appeal is 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 September 11, 2012.

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

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

-----  
Liza P.,  
Petitioner-Respondent, **M-3256**  
Docket No. V20848/11

-against-

Kevin P.,  
Respondent-Appellant.  
-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about February 29, 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.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 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-3216  
Ind. No. 3209/11

Hector Benitez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 21, 2012 (M-2099A), inter alia, 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 April 4, 2012, 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, 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, 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 September 11, 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-3225  
Ind. No. 5973/09

Jeremy Fulton,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 13, 2012 (M-186), 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 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, 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, 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 September 11, 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-3119**  
Ind. No. 1308/10

Jonathan Jones,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 8, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Milton H. Florez, Esq., and to post the \$15,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

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

-against-

John Stone,  
Defendant-Appellant.

**M-3140**  
Ind. No. 3798/10  
Case No. 61820C/10

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 9, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 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  
ex rel. Derrick Graham,

Petitioner,

-against-

Warden, Artemio Colon, M.D.C.,

Respondent.  
-----x

M-3065  
Index No. 400837/12  
SCID No. 30076/12

Relator-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about May 4, 2012, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and 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 denied, with leave to renew upon submission of a timely filed notice of appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Ilaissant Gernier,  
Plaintiff-Appellant,

-against-

M-2954  
Index No. 103985/09

545 West 147<sup>th</sup> Street, LLC, Tahl  
Property Equities, LLC, Manhattan  
North Management LLC and Consolidated  
Elevator  
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 3, 2011, for failure to timely perfect, 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 dismissing the appeal unless perfected for the January 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 September 11, 2012.

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

-----X  
Richard Djeddah,

Plaintiff-Respondent,

-against-

M-3072  
Index No. 350094/00

Rachel Djeddah,

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 August 24, 2011 (mot. seq. nos. 017, 019),

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 January 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 September 11, 2012.

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

-----X  
Admiral Indemnity Company as subrogee  
of Place 57 Condominium Association,  
Plaintiffs-Respondents,

-against-

M-3154  
Action No. 1  
Index No. 102772/08

Bovis Lend Lease LMB, Inc.,  
Defendant-Respondent,

R & J Construction Corp.,  
Defendant-Appellant.

-----X  
Admiral Indemnity Co. as subrogee  
of Place 57 Condominium Association,  
Plaintiffs-Respondents,

-against-

Action No. 2  
Index No. 102773/08

Bovis Lend Lease LMB, Inc. and EPIC  
Mechanical Contractors, LLC,  
Defendants-Respondents.

-----X

Defendant-appellant R & J Construction Corp. 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 February 7, 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 January 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 September 11, 2012.

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

-----X  
Christopher Dubose,

Plaintiff-Appellant,

-against-

M-3195  
Index No. 309789/08

W. Associates, LLC, et al.,

Defendants-Respondents.  
-----X

Plaintiff-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 September 22, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

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

-----X  
Netologic, Inc., doing business as  
Investars®,  
Plaintiff-Appellant,

-against-

M-3222  
Index No. 600394/09

The Goldman Sachs Group, Inc.,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 4, 2011 (mot. seq. nos. 001, 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

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

-----X  
Board of Managers of the Shorehaven  
Condominium,  
Plaintiff-Respondent,

-against-

M-3324  
Index No. 307210/08

Hector Pina & Jacqueline Garcia-Pina,  
Defendants-Respondents,

Amit Louzon,  
Non-Party Appellant.

-----X

Non-party appellant Amit Louzon having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, dated October 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 January 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 September 11, 2012.

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

-----X  
William Lugo,  
Plaintiff-Respondent,

-against-

Purple and White Markets, Inc., doing business as Associated Supermarket, Defendant, M-3205  
M-3391  
Index No. 300682/08

White Rose, Inc., White Rose Foods, Inc., Rose Trucking Corp., and DiGiorgio Corp.,  
Defendants-Appellants.

-----X  
White Rose, Inc., White Rose Foods, Inc., Rose Trucking Corp., and DiGiorgio Corp.,  
Third-Party Plaintiffs-Appellants, Third-Party  
Index No. 84169/08

-against-

Fica Transportation, Inc.,  
Third-Party Defendant.

-----X

An order of this Court having been entered March 29, 2012 (M-674) consolidating the appeals and cross appeal taken from the orders of the Supreme Court, Bronx County, entered on or about April 11, 2011 (mot. seq. no. 012) and July 18, 2011, respectively,

And defendants/third-party-plaintiffs-appellants White Rose having moved for an enlargement of time to perfect its consolidated appeals (M-3205),

And third-party defendant Fica Transportation having cross-moved for an enlargement of time to perfect its cross appeal (M-3391),



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 December 2012 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 September 11, 2012.

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

-----x

Randolph Price, etc., et al.,

Plaintiffs-Respondents,

-against-

M-3007

Index No. 18342/00

Montefiore Medical Center,

Defendant-Appellant.

-----x

Defendant-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 March 21, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 September 11, 2012.

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

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

- - - - -  
Coumba F.,  
Petitioner-Respondent,

M-3150  
Docket No. O-01839/08

-against-

Mamadou K.,  
Respondent-Appellant.

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

-----X  
An appeal having been taken from the order of the Family Court, Bronx County, entered on or about March 10, 2011,

And respondent-appellant father having moved for an enlargement of time in which 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 in which to perfect the appeal to the January 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 September 11, 2012.

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

-----X  
Rondi D'Agostino,  
Plaintiff-Appellant,

-against-

M-3370  
Index No. 651452/11

Ling Kwok, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 17, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 11, 2012.

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

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

-against-

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

-and-

American Home Assurance Company,  
Defendant-Appellant.

**M-3015**  
**M-3238**  
Index No. 402833/09

-----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 defendants-appellants, Zurich American Insurance Company, et al., and American Bridge Company, having jointly moved for an enlargement of time to perfect their respective appeals (M-3015),

And defendant-appellant, American Home Assurance Company, having cross-moved for the same relief (M-3238),

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 defendants' time to perfect their respective appeals to the January 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 September 11, 2012.

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

-----X  
Pablo Rivas,  
Plaintiff-Appellant,

-against-

LeMadre Development, LLC, et al.,  
Defendants-Respondents.

M-3177  
Index No. 113534/09

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about October 19, 2011 and November 1, 2011, 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 appeal to the February 2013 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Robert Susko and Catherine Susko,  
Plaintiffs-Respondents,

-against-

M-3147  
Index No. 115075/08

377 Greenwich LLC, 377 Greenwich  
Operating LLC doing business as  
Wellington Hotel,  
Defendants-Appellants,

Magnetic Construction Group Corp.,  
Defendant-Respondent.

-----X  
Magnetic Construction Group Corp.,  
Third-Party Plaintiff-Respondent,

-against-

Third Party  
Index No. 590800/09

Allegheny Plaster and Stucco, Inc.,  
Third-Party Defendant-Respondent.

-----X  
377 Greenwich LLC and 377 Greenwich  
Operating LLC, doing business as  
Wellington Hotel,  
Second Third-Party  
Plaintiffs-Appellants,

-against-

Second Third Party  
Index No. 590884/09

K&M Plaster, Inc.,  
Second Third-Party  
Defendant-Respondent.

-----X

Defendants/second third-party plaintiffs-appellants 377  
Greenwich LLC and 377 Greenwich Operating LLC, doing business as  
Wellington Hotel, having moved for a stay of trial pending  
hearing and determination of the appeal taken from the order of  
the Supreme Court, New York County, entered on or about April 3,  
2012 (mot. seq. no. 006),

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

It is ordered that the motion is granted on condition the appeal is perfected on or before November 5, 2012 for the January 2013 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 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  
ex rel. Hilary Best,  
Petitioner-Appellant,

-against-

**M-3021**  
Index No. 400601/12

Thomas Hall, Warden, Otis Bantum  
Correctional Center,  
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, dated April 5, 2012, denying petitioner's application for a writ of habeas corpus and dismissing the writ,

And petitioner having moved for an order summarily reversing the aforesaid judgment and directing petitioner's immediate release, and for related relief,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Thomas Gass,  
Plaintiff-Respondent,

-against-

**M-3083**  
Index No. 302536/08

Susan Gass,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 4, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 9 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-4941B  
Ind. Nos. 1355N/06  
3564/08

Richard Bahamonte,  
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 July 2, 2010, 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. The order of this Court entered on January 18, 2011 (M-4941A) is hereby recalled and vacated.

ENTER:

  
CLERK

APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

Respondent,

M-2388  
NY Co.  
Ind. No. 4301/08

-against-

CERTIFICATE  
GRANTING LEAVE

Auvryn Scarlett,

Defendant-Appellant.  
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about April 18, 2012.<sup>1</sup>

Dated: New York, New York

**ENTERED SEP 11 2012**

*David B. Saxe*

Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

PM ORDERS

ENTERED ON

SEPTEMBER 4, 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 September 4, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x

Front, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

M-3383  
Index No. 111597/11

Philip Khalil, et al.,  
Defendants-Appellants-Respondents.

- - - - -

[And a third-party action]

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 25, 2012 (mot. seq. nos. 001, 002),

And defendants-appellants-respondents having moved for a stay of so much of the aforesaid order as directed a hearing on the issue of jurisdiction pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated July 27, 2012, and due deliberation having been had thereon,

It is ordered that the motion is granted on condition defendants perfect their direct appeal on or before November 5, 2012 for the January 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 September 4, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
James Polsky,  
Plaintiff-Respondent,

-against-

145 Hudson Street Associates, L.P.,  
et al.,  
Defendants-Appellants,

Rogers Marvel Architects PLLC, et al.,  
Defendants.

**M-3654**  
**M-3830**  
Index No. 107108/11

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 1, 2012,

And plaintiff-respondent having moved for leave to supplement the record on appeal (3654),

And defendants-appellants having cross-moved for leave to strike certain portions of plaintiff-respondent's brief or for other relief (M-3830),

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 plaintiff's motion (M-3654) is granted to the extent of deeming the copies of plaintiff-respondent's supplemental record on appeal included with the moving papers filed. Defendants-appellants' cross motion (M-3830) is granted to the extent of directing defendants-appellants to immediately file 9 copies of a supplemental record containing certain pre-answer motion to dismiss the complaint, if so advised; 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 September 4, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x

Melissa Katz and Dr. Russel Katz,  
Plaintiffs-Respondents,

-against-

Blank Rome Tenzer Greenblatt and  
Evan Cyrus, doing business as Burger  
Heaven,  
Defendants,

M-3663  
M-3668  
Index No. 101737/10

804 Lexington LLC and Evnick  
Restaurant, Inc., doing business as  
Burger Heaven,  
Defendants-Appellants.

-----x

Separate appeals having been taken by the respective appellants from the order of the Supreme Court, New York County, entered on or about November 10, 2011, and said appeals having been perfected,

And the respective appellants having moved, on consent and by separate motions, for a stay of trial pending hearing and determination of the appeals taken therefrom,

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.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 4, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----x  
In the Matter of the Application of  
Bryant Parks,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-3704  
Index No. 402363/10

-against-

New York City Housing Authority,  
Respondent-Appellant.

- - - - -  
344 Knox Place LLC.,  
Non-Party Movant.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 3, 2011, and said appeal having been perfected,

And non-party movant having moved for vacatur of an interim stay of eviction granted by an order of a Justice of this Court dated May 25, 2012 or, in the alternative, for modification of the interim order so as to require petitioner to pay use and occupancy as a condition of the interim stay,

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 vacating the interim stay of eviction granted by the order of a Justice of this Court dated May 24, 2012, without prejudice to a motion by petitioner for a stay of eviction pending hearing and determination of the appeal, made, upon proper notice to all parties, within 20 days of the date of entry hereof. Non-party movant is directed to serve a copy of this order on petitioner within 8 days of 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 September 4, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Riccardo Squicciarini,  
Plaintiff-Respondent,

-against-

Diana Oreiro,  
Defendant-Appellant.  
-----x

M-3779  
M-3866  
Index No. 114338/11

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 16, 2012, and said appeal having been perfected,

And plaintiff-appellant having moved to strike portions of the record on appeal containing defendant's affidavit dated March 18, 2012 (pp. 253-276 of the record on appeal), and to strike portions of appellant's brief which refer to said affidavit or, in the alternative, for leave to submit an addendum to the record to include plaintiff's affidavit in opposition to the motion for a stay pending appeal made in this Court (M-3779),

And defendant-respondent having cross-moved to enlarge the record on appeal to include a Decree from the Rome, Italy, Juvenile Court dated August 8, 2012 (M-3866),

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

It is ordered that the motion (M-3779) is granted to the extent of directing plaintiff forthwith to submit 9 copies of a supplemental record on appeal containing the aforesaid affidavit, with costs to abide the event, and otherwise denied. Sua sponte, the appeal is adjourned to the October 2012 Term. The Clerk is directed to calendar the appeal during the first week of said Term. The cross motion is denied (M-3866).

ENTER:

  
CLERK

PM ORDERS  
ENTERED ON  
SEPTEMBER 11, 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 September 11, 2012.

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

-----X  
In the Matter of

Destiny M.,

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

**M-1988**  
Docket No. NN16737/09  
D.C. # 84

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

Kristina M.,  
Respondent-Appellant.

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

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about March 5, 2010,

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

Now, upon the Court's own motion,

It is ordered that the motion is deemed withdrawn.  
(See M-3010A, 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 September 11, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Destiny M.,

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

**M-3010A**  
Docket No. NN16737/09

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

Kristina M.,  
Respondent-Appellant.

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

-----X

An order of this Court having been entered on August 3, 2010 (M-3010) assigning John J. Marafino, Esq., as counsel to prosecute respondent-appellant's appeal from the order of the Family Court, New York County, entered on or about March 5, 2010,

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

Ordered that the designation of John J. Marafino, Esq., is stricken as counsel to prosecute appellant's appeal, and, pursuant to Section 722 of the County Law, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, is substituted 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. The order of this Court entered on August 3, 2010 (M-3010) 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 September 11, 2012.

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

-----X

Ernest Milchman, et al.,  
Plaintiffs-Respondents,

-against-

**M-3248**

**M-3446**

Index No. 20431/00

Steven Lipkin,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on June 12, 2012 (Appeal No. 7932N)[M-3248],

And plaintiffs-respondents having cross-moved for the release of a certain undertaking held by U.S. Specialty Insurance Company [M-3446],

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

Ordered that defendant-appellant's motion [M-3248] is denied. Plaintiffs-respondents cross motion [M-3446] is granted to the extent of directing defendant to submit the appropriate correspondence to the aforesaid U.S. Specialty Insurance Company directing the expeditious release of a \$200,000 undertaking to plaintiffs-respondents in the event correspondence has not been submitted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

Evan Tawil,  
Plaintiff-Appellant,

-against-

Vanessa Tawil,  
Defendant-Respondent.

M-3665  
M-3822  
Index No. 312293/10

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 6, 2011, and said appeal having been perfected,

And defendant-respondent having moved to supplement the record on appeal with the supplemental record submitted with the moving papers (M-3665),

And plaintiff-appellant having cross-moved to deny defendant's motion to supplement the record on appeal, to strike portions of defendant's brief and pre-argument statement, and for certain sanctions (M-3822),

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 to supplement the record on appeal is granted to the extent of directing the defendant to forthwith file 9 copies of said supplemental record filed with the moving papers (M-3665). The cross motion is denied, without prejudice to raising substantive arguments at oral argument, with costs to abide the event (M-3822).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 11, 2012.

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

-----X  
Sean Palomo,  
Plaintiff-Respondent-Appellant,

-against-

M-3820  
Index No. 305897/09

175<sup>th</sup> Street Realty Corp., Steven  
Padernacht and Michael Padernacht,  
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 9, 2012,

And defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal and cross 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 September 11, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----x  
William Sanacore,  
Plaintiff-Respondent,

-against-

M-3927  
Index No. 101947/08

HSBC Securities (USA), Inc.,  
Defendant-Appellant.  
-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about March 15, 2012 and April 25, 2012, respectively,

And plaintiff-respondent having moved for leave to file a sur-reply brief in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of deeming the full paragraph beginning at page 19 and ending at page 20 stricken from the defendant-appellant's reply brief, and otherwise denied.

ENTER:

  
CLERK