

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

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

-----X
Dennis Balk,
Plaintiff-Appellant,

-against-

M-353
Index No. 150030/09

New York Institute of Technology,
et al.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about September 9, 2010 and on or about March 9, 2011, respectively,

And an order of this Court having been entered on October 27, 2011 (M-3233), consolidating the aforesaid appeals and enlarging the time in which to perfect said consolidated appeals to the April 2012 Term,

Now, upon reading and filing the papers with respect to the motion including the correspondence from Randy M. Kornfeld, Esq., dated January 24, 2012, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

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

-----X
Denny Castro,
Plaintiff-Respondent,

-against-

M-1465X
Index No. 305304/09

Prana Associates Twenty One, LP,
Defendant-Appellant.

(And other actions)

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 21, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 19, 2012.

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

-----X
William J. Morgan and Melissa Jackson,
Plaintiffs-Respondents-Appellants,

-against-

M-1466X
Index No. 102390/10

Mayflower Development Corp.,
Defendants-Appellants-Respondents.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 22, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 22, 2012, and due deliberation having been had thereon,

It is ordered that the appeal 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 April 19, 2012.

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

-----X

Norlene James,
Plaintiff-Respondent,

-against-

Althea Hendrickson-Earl, et al.,
Defendants,

M-1512X
Index No. 308417/08

-and-

Franklyn C. Guity, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 1, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 27, 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 April 19, 2012.

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

-----X
Thomas McLoughlin, et al.,
Plaintiffs-Respondents,

-against-

M-5663
Index No. 25817/90

Jimmy Ray's Restaurant, et al.,
Defendants-Respondents.

-----X
Jimmy Ray's Restaurant, et al.,
Third-Party Plaintiffs-Respondents,

-against-

Third Party
Index No. 670/92

Donald L. Sullivan, et al.,
Third-Party Defendants-Respondents,

-and-

Protection System Specialists,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant Protection System Specialists having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 6, 2005 (mot. seq. no. 017),

Now, upon reading and filing the papers with respect to the motion including the correspondence from Andrew Zajac, Esq., dated January 5, 2012, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

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

-----X
In the Matter of

Brandon M., M-5
Docket No. D189/11
A Person Alleged to be a Juvenile
Delinquent,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about March 11, 2011, remanding respondent to the Administration for Children's Services for non-secure detention pending further proceedings in said Family Court,

And an order of this Court having been entered on April 12, 2011 (M-1163) granting a stay of the aforesaid order appealed pending hearing and determination of the aforesaid appeal upon certain conditions,

And orders of this Court having been entered August 11, 2011 (M-3177) and November 15, 2011 (M-4441) enlarging the time in which to perfect the aforesaid appeal to the December 2011 Term and the March 2012 Term, respectively, and continuing the stay and conditions granted by the order of this Court entered April 12, 2011 (M-1163),

Now, upon reading and filing the stipulation of the parties hereto, dated January 3, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation, and the stay with conditions granted and continued by prior orders of this Court entered on April 12, 2011 (M-1163), August 11, 2011 (M-3177) and November 15, 2011 (M-4441), respectively, is 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 April 19, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
John Rodriguez,
Plaintiff,

-against-

M-1154
M-1156
Index No. 8685/06

Gilbane/TDX Joint Venture, Gilbane,
Inc. and TDX Construction Corporation,
Defendants.

-----X
Gilbane/TDX Joint Venture, Gilbane,
Inc. and TDX Construction Corporation,
Third-Party Plaintiffs,

-against-

Index No. 85470/06

DiFama Concrete, Inc. and Admiral
Insurance Company,
Third-Party Defendants.

-----X
Gilbane/TDX Joint Venture, Gilbane,
Inc. and TDX Construction Corporation,
Second Third-Party Plaintiffs-Respondents,

-against-

Index No. 85828/07

DiFama Concrete, Inc.,
Second Third-Party Defendant-Respondent,

Admiral Insurance Company,
Second Third-Party Defendant-Appellant.


-----X

Third-party defendant/second third-party defendant-appellant
Admiral Insurance Company having moved by separate motions for an
order enlarging the time in which to perfect the appeals from the
orders of the Supreme Court, Bronx County, entered on or about
April 8, 2011 (M-1154) and July 15, 2011 (M-1156), 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 in which to perfect the appeals, which are sua sponte consolidated, to on or before September 4, 2012 for the November 2012 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals (M-1154/M-1156).

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
John W. Sweeny, Jr., Justices.

-----X
Mary Asantewaa,

Plaintiff-Respondent,

-against-

City of New York,

Defendant-Appellant.
-----X

M-578

Index No. 22126/06

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 20, 2011 (Appeal No. 6383),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated March 21, 2012, and due deliberation having been had thereon,

It is ordered that the motion 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 April 19, 2012.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
John W. Sweeny, Jr.	
Karla Moskowitz	
Dianne T. Renwick	
Rosalyn H. Richter,	Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Carl D. Wells,
Defendant-Appellant.

M-409
Ind. Nos. 6548/06
41/07

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 9, 2011,

And defendant having moved for leave to file a pro se supplemental brief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant filed February 27, 2012, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

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

-----X
Princes Point, LLC, etc.,

Plaintiff-Appellant,

-against-

M-50
Index No. 601849/08

AKRF Engineering, P.C., et al.,

Defendants-Respondents.

-----X

Plaintiff-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 December 8, 2011 (Appeal No. 6259N),

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

It is ordered that the motion, to the extent it seeks reargument, is granted and upon reargument, the decision and order of this Court entered on December 8, 2011 (Appeal No. 6259N) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 6259N, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 April 19, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-968
Ind. No. 2696/11

Rashawn Gibson,

Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on April 19, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1004
Ind. No. 3173/09

Neal McLeod,
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 January 26, 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 10 reproduced 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 April 19, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Marisela N., M-1088
Petitioner-Respondent, Docket No. O-4261/10

-against-

Lacy M. S.,
Respondent-Appellant.

-----X

Respondent-appellant Lacy M. S. having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 19, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant

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

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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is written above a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1071
Ind. No. 1190/10

Eric Hood,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Carro, J.) entered on or about February 7, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

Present: Hon. Angela M. Mazzarelli, . Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1073
Ind. No. 4215/09

Oscar Padilla,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Carol Berkman, J.) entered on or about June 23, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

The time in which to perfect the appeal is enlarged to the September 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 April 19, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-984

Ind. No. 1070/11

Rumaldo De la Cruz,

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 January 3, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1003

Ind. No. 5439/10

Nolan A. Munoz,

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 January 30, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel J. Chadbrowe, Esq., and to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1025

Ind. No. 90/11

Anderson Vasquez,

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 February 10, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on April 19, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1033
Ind. No. 1978/10

Ben Sidibe,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which
to file a notice of appeal from the judgment of the Supreme
Court, New York County, rendered on or about December 6, 2011,
for leave to prosecute the appeal as a poor person, on the
original record and upon a reproduced appellant's brief, and for
related relief,

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

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

The motion, to the extent that it seeks poor person relief,
is denied, with leave to renew upon defendant's submission of a
notarized affidavit, pursuant to CPLR 1101(a), setting forth
the amount and sources of funds to pay the fee of trial counsel,
Barry Goldberg, Esq., and to post the \$5,000 bail in the Supreme
Court, and the disposition thereof, and an explanation as to why
similar funds are not available to prosecute this appeal. (The
application shall include an affidavit of the source[s] of all
funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman Justices.

-----X

LoDuca Associates, Inc.,
Plaintiff-Appellant,

-against-

M-422
Index No. 602673/09

PMS Construction Management Corp.,
Defendant-Respondent,

City of New York, et al.,
Defendants.

-----X

Plaintiff-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 January 12, 2012 (Appeal No. 6534, 6534A),

Now, upon 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 April 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Epic Security Corp.,
Plaintiff-Respondent,

-against-

M-1162
Index No. 601519/08

AMCC Corp.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time
in which to perfect the appeal from the order of the Supreme
Court, New York County, entered on or about April 15, 2011,

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

It is ordered that the motion is granted to the extent of
enlarging the time in which to perfect the appeal to the
September 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 April 19, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Nicolo Simonetta,
Plaintiff-Respondent,

M-710

-against-

Index No. 107403/07

Lexington Building Co., LLC., et al.,
Defendants-Appellants.

- - - - -

Richter & Ratner Contracting Corp.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590989/07

Artisan Stoneworks Corp.,
Third-Party Defendant-Respondent.

- - - - -

Richter & Ratner Contracting Corp.,
et al.,
Fourth-Party Plaintiffs-Appellants,

-against-

Index No. 590021/09

Maspeth Welding Inc.,
Fourth-Party Defendant-Respondent.

- - - - -

Lexington Building Co. LLC., et al.,
Third Third-Party
Plaintiffs-Appellants,

-against-

Index No. 590387/10

Precision Glass & Metal Works Co.,
Inc.,
Third Third-Party
Defendant-Respondent-Appellant.

-----x

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 15, 2011,

And defendants/third third-party plaintiffs-appellants, Lexington Building Co. LLC., et al., having moved for dismissal of the cross appeal taken by third third-party defendants-respondents-appellants for their failure to pay their portion of the costs of the joint record on appeal, 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 directing third third-party defendants-respondents-appellants Precision Glass & Metal Works Co., Inc. to pay their share of costs of the joint record pursuant to 22 NYCRR 600.11(d) within 10 days of the date of entry hereof. Upon noncompliance with this order within the time specified, movant may renew the motion to dismiss, and 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 April 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of
Aldo Gallo,
Petitioner-Respondent,

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

-against-

M-825

Index No. 101822/11

Robert D. Limandri, as Commissioner
of the New York City Department of
Buildings,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about April 28, 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 September 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 April 19, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-
Gilbert Carandang,
Defendant-Appellant.

M-893
Ind. Nos. 6526/07
2554/05

-----X

Defendant-appellant having moved for reargument or reconsideration of the decision and order of this Court entered on February 2, 2012 (Appeal No. 6684),

Now, upon 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 April 19, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
WR Design Corp.,

Petitioner-Respondent,

-against-

M-432
Index No. 104219/10

Wayne Rogers,

Respondent-Appellant.
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 17, 2010,

Now, upon 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 September 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 April 19, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Emmanuel Lee D., also known as
Emmanuel J., Kareem D.,
Eugene D., Jahiem D.,
Kasey D.,

Dependent Children Under 14 Years of Age
Pursuant to §384-b of the Social Services
Law of the State of New York.

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

M-1562
Docket Nos. B14045-49/08

Richard D.,
Respondent-Appellant.

- - - - -
Carol Ann Ferraro, Esq. and
Randall Carmel, Esq.,
Attorneys for the Children.

-----X
An appeal having been taken from orders of the Family Court, Bronx County, entered on or about April 4, 2011, and said appeal having been perfected,

And Carol Ann Ferraro, Esq., attorney for the subject children, having moved on their behalf for leave to respond to the appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for purposes of responding to the appeal; (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. Sua sponte, the appeal is adjourned to the September 2012 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
Immanuel Malone, an infant by his
Mother and Natural Guardian, Elaine
Malone,
Plaintiff-Respondent,

M-1283
Index No. 24468/05

-against-

Alex Boafo, M.D.,
Defendant-Appellant,

Choong W. Kim, M.D. and Our Lady
of Mercy Medical Center,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 18, 2011, and said appeal having been perfected,

And defendant-appellant, Alex Boafo, M.D., having moved for an order staying trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application of
Karen Knowings,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1064
Index No. 401842/11

New York City Housing Authority,
Respondent-Respondent.
-----X

Petitioner-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 January 6, 2012, and 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 said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied, with leave to renew upon submission of a detailed notarized affidavit, in compliance with CPLR 1101, setting forth facts sufficient to establish petitioner has no funds or asset within which to prosecute the appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 19, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Roselyn H. Richter, Justices.

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

Respondent,

-against-

M-1102
Ind. No. 30043/11

Miguel Goitia,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 11, 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 September 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 April 19, 2012.

Present - Hon. Richard T. Andrias,	Justice Presiding,
David Friedman	
Rolando T. Acosta	
Helen E. Freedman	
Rosalyn H. Richter,	Justices.

-----X
In the Matter of the Application of
Henry Santana,
Petitioner,

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

M-1167
Index No. 402539/11

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of
respondent having been transferred to this Court, pursuant to CPLR
7804(g), by order of the Supreme Court, New York County, entered on or
about January 12, 2012,

And petitioner having moved for leave to prosecute the
aforesaid proceeding as a poor person, upon the original record and
reproduced petitioner's brief, and for an enlargement of time in which
to perfect said proceeding,

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
permitting the proceeding to be heard on the original record and upon
a reproduced petitioner's brief, on condition that petitioner serve
one copy of such brief upon the attorney for the respondents and file
8 copies of such brief, together with the original record, with this
Court. Petitioner 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 April 19, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----x
Susan Raner,

Plaintiff-Appellant,

-against-

M-1208
Index No. 601409/09

Security Mutual Insurance Company,
et al.,

Defendants-Respondents.
-----x

Plaintiff-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 June 8, 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 September 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 April 19, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Estelle A. Carr, Individually and as
Assignee of Charles Casper and Keith
Whitten and Estate of Royce K. Hoffman,
Plaintiffs-Appellants,

-against-

M-789

Index No. 117185/97

Rose A. Caputo, et al.,
Defendants-Respondents.

-----X

Consolidated appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 17, 2010,

And an order of this Court entered on March 6, 2012 (M-146), enlarging the time to perfect the consolidated appeals to the October 2012 Term,

And plaintiffs-appellants having moved for a further enlargement of time in which to perfect the consolidated appeals, 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 denied as academic, the time to perfect the appeal having already been enlarged to the October 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 April 19, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
GMT 3435 Realty, LLC,
Petitioner-Appellant,

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

-against-

M-5760
Index No. 260348/09

Deborah Vanamerongen, as Commissioner
of the New York State Division of
Housing and Community Renewal and
Terry Drayton,
Respondents-Respondents.

-----X
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 20, 2011, which denied renewal and reargument of a prior order of said Court which, inter alia, dismissed the above-captioned proceeding,

And respondent-respondent New York State Division of Housing and Community Renewal having moved for dismissal of the portion of the appeal taken from so much of the order appealed denying reargument, 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 dismissing that portion of the appeal from the aforesaid order as it relates to the denial of reargument, 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 April 19, 2012.

PRESENT - Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

Cheryl P.,
Petitioner-Respondent,

-against-

M-962
Docket No. O-06304/11

Clinton F.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about February 7, 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, Steven N. Feinman, Esq., One North Broadway Suite 412, White Plains, NY 10601, Telephone No. (914)949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on April 19, 2012.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X

Melissa Smith,
Plaintiff-Appellant,

-against-

M-946
Index No. 111178/05

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

-----X

Plaintiff-appellant having moved for reargument of or, in
the alternative, leave to appeal to the Court of Appeals from the
decision and order of this Court entered on January 10, 2011
(Appeal No. 6497-6497A),

Now, upon 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 April 19, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Endeavor Funding Corp.,
Plaintiff-Respondent,

-against-

M-803
Index No. 106712/07

Ollie Allen, on behalf of Ollie
Allen Holding Company, LLC,
Defendants-Appellants,

-and-

Pariser Industries Inc., et al.,
Defendants.

(And a third-party action)

-----X

Defendants-appellants having moved for an enlargement of
time in which to perfect the appeal from the order of the
Supreme Court, New York County, entered on or about April 15,
2010 (mot. seq. no. 003),

Now, upon 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
September 2012 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 April 19, 2012.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1038
Ind. No. 710/08

Lloyd Nicholson,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 6, 2010, and said appeal having been perfected,

And defendant having renewed his motion, pro se, for leave to prosecute, as a poor person, the aforesaid appeal, and for the assignment of 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 denied as moot, the aforesaid appeal having been perfected on defendant's behalf by retained counsel, Virginia Boccio, Esq.

ENTER:


CLERK