

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
East 115<sup>th</sup> Street Realty Corp.,

Plaintiff-Respondent,

-against-

**M-4658**

Index No. 604164/07

Focus & Struga Building Developers  
LLC, et al.,

Defendants,

Abad Consulting (a corporation),

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 January 13, 2011, (mot. seq. no. 005),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated December 19, 2011, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid stipulation.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 January 12, 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-5537  
Ind. No. 3133/09

George Campbell,

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 June 4, 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, 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 January 12, 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-5538  
Ind. No. 1868/11

Davelle Conklin,

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 November 2, 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 January 12, 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-5539

Ind. No. 1311/11

Enemud Chukwudkie,

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 November 2, 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 January 12, 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-5540  
Ind. No. 2005/10

Jose Correa,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 20, 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 January 12, 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-5541

Ind. No. 2548/11

Nicholas Fairclough,

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 November 1, 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 January 12, 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-5547  
Ind. No. 3789/10

Francisco Moreno,

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 November 1, 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 January 12, 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-5548  
Ind. No. 3587/10

Israel Martinez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 1, 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 January 12, 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-5549  
Ind. No. 1308/02

Todd McDowell,  
                 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, entered on or about April 14, 2010, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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 January 12, 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-5550  
Ind. No. 1204N/11

Marco Potts,

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 November 2, 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 January 12, 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-5551  
Ind. No. 3664/01

Luis Rodriguez,  
                 Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about March 4, 2010, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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 January 12, 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-5553  
Ind. No. 3534/08

Mark Richardson,

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 October 27, 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 January 12, 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-5554

SCI. No. 4802/11

Miguel Santos,

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 November 3, 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.

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 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-5555  
Ind. No. 303/11

Abdoulaye Traore,

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 October 27, 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.



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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 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-5558  
Ind. No. 823/09

Carlos Valentin,

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 28, 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, 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 January 12, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

- - - - -  
Frances M., Docket Nos. V19916/05  
Petitioner-Appellant, V13194/09  
V18721/09  
-against-

Jorge M.,  
Respondent-Respondent.

- - - - -  
Lisa H. Blitman, Esq.,  
Attorney for the Child.

-----X

Respondent-respondent having renewed his motion for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about October 12, 2010, 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 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 May 2012 Term.

ENTER:

  
CLERK

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2012.

Present - Hon. Luis A. Gonzalez,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz,

Presiding Justice,  
  
  
  
Justices.

-----x  
Jose Reyes,  
Plaintiff,

M-5508

-against-

Index No. 113508/08

Metro Loft Management, LLC., et al.,  
Defendants,

75 Wall Associates, LLC., et al.,  
Defendants-Appellants.

- - - - -  
75 Wall Associates, LLC., et al.,  
Third-Party Plaintiffs-Appellants,

Index No. 590270/10

-against-

United Drilling & Cutting Corporation,  
Third-Party Defendant-Respondent.

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 8, 2011 (mot. seq. no. 004), and said appeal having been perfected,

And third-party defendant-respondent United Drilling & Cutting Corporation having moved for leave to strike portions of the record on appeal and the appellants' brief, for an enlargement of time to file a respondent's brief, and for the imposition of costs and sanctions associated with filing this motion,

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

It is ordered that the motion, to the extent it seeks to strike portions of the record on appeal and appellants' brief, is denied, without prejudice to respondent's raising arguments regarding the propriety of the record in its respondent's brief, and the appeal is adjourned to the March 2012 Term. The motion, to the extent it seeks the imposition of costs and sanctions, 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 January 12, 2012.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Angela M. Mazzairelli	
David B. Saxe	
John W. Sweeny, Jr.	
Karla Moskowitz,	Justices.

-----x

George Bundy Smith, Sr., Individually  
and on behalf of Twenty Plus Members  
of Grace Congregational Church of  
Harlem, Inc./United Church of Christ,  
Plaintiff-Appellant,

M-5443  
M-5671

Index No. 111455/10

-against-

The United Church of Christ, et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 28, 2011 and February 25, 2011, respectively, and said appeal having been perfected,

And defendants-respondents having moved for an order continuing the relief granted by an order of a Justice of this Court dated December 1, 2011, which adjourned the appeal to the March 2012 Term, and directed defendants to apply for the appointment of a legal representative for the Estate of Rev. David Tucker, deceased, and for other relief (M-5443),

And plaintiff-appellant having cross-moved for an order denying adjournment of the aforesaid appeal, and for other relief (M-5671),

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-5443) is granted to the extent of maintaining the appeal on the calendar for the March 2012 Term and continuing the relief granted by a Justice of this Court on December 1, 2011, and the motion is otherwise denied. The cross motion (M-5671) is denied, without prejudice to further proceedings in Supreme 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 January 12, 2012.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Angela M. Mazzarelli	
David B. Saxe	
John W. Sweeny, Jr.	
Karla Moskowitz,	Justices.

-----X

Annette Laskowski-Macho,  
  
Plaintiff-Respondent,

-against-

M-5372  
Index No. 109516/11

Sandra Adamsons,  
  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about November 22, 2011 pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2012.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Angela M. Mazzarelli	
David B. Saxe	
John W. Sweeny, Jr.	
Karla Moskowitz,	Justices.

-----x  
Aaron Elkin,  
Plaintiff-Appellant,

-against-

M-5494  
Index No. 105411/08

Andrea Labis,  
Defendant-Respondent,  
-----x

Consolidated appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about November 16, 2009, and from the judgment of said Court entered on or about January 22, 2010, respectively,

And subsequent appeals having been taken to this Court from orders of said Court entered on or about April 25, 2011,

And plaintiff-appellant, pro se, having moved for leave to consolidate all of the aforesaid appeals,

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

It is ordered that the motion is granted and the aforesaid appeals are consolidated to the extent of permitting plaintiff-appellant to prosecute said appeals upon 10 copies of one record and of one set of appellant's points covering the consolidated appeals, and upon the following conditions: that plaintiff (1) posts a bond in the amount of \$75,000 to cover the contested interim counsel fees within 20 days of the date hereof and (2) perfects the consolidated appeals on or before February 21, 2012 for the May 2012 Term. Upon failure to fulfill either condition defendant-respondent may move ex parte for dismissal of the consolidated appeals, provided that said defendant-respondent serves a copy of this order upon 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 January 12, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----x  
Newmark & Company Real Estate, Inc.,  
doing business as Newmark Knight Frank,  
Plaintiff-Respondent,

-against-

M-5403  
Index No. 601175/10

1523 Avenue M, LLC,  
Defendant-Appellant.

- - - - -  
[And a third-party action]

-----x  
  
Defendant/third-party 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 February 23, 2011 (mot. seq. nos. 001, 002), or for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal on or before February 21, 2012 for the May 2012 Term. 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 January 12, 2012.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Angela M. Mazzarelli	
David B. Saxe	
John W. Sweeny, Jr.	
Karla Moskowitz,	Justices.

-----x  
Anthony Tuccillo, Jr., et al.,  
Plaintiffs-Appellants,

-against-

M-5422  
Index No. 105551/06

Bovis Lend Lease, Inc., et al.,  
Defendants-Respondents.

- - - - -  
[And a third-party action]

-----x  
Appeals having been taken to this Court by plaintiffs from orders of the Supreme Court New York County, entered on or about February 25, 2011 (mot. seq. no. 004) and October 25, 2011 (mot. seq. no. 006), respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about February 25, 2011, and for consolidation of the aforesaid appeals,

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

It is ordered that, the motion is granted, the appeals are consolidated and plaintiff-appellant is permitted to prosecute the consolidated appeals upon 8 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to on or before February 21, 2012 for the May 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 January 12, 2012.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Angela M. Mazzarelli	
David B. Saxe	
John W. Sweeny, Jr.	
Sallie Manzanet-Daniels,	Justices.

-----x  
Latasha James,

Plaintiff-Appellant,

-against-

M-5444  
Index No. 303817/08

Argel A. Perez, 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 January 31, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 12, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

Respondent,

-against-

M-5461  
Ind. No. 7581/99

Sherman Adams,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time to perfect the consolidated appeals from the judgment of the Supreme Court, New York County, rendered on or about July 9, 2003, and from the judgment of **resentence** of said Court rendered on or about August 2, 2007, 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 consolidated appeals to the June 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 January 12, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Stuart F. Shaw, doing business as  
Shaw & Binder,

Plaintiff-Respondent,

-against-

M-5552  
Index No. 105845/06

Joel J. Silver, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about March 22, 2011, and from the judgment of said Court entered on or about March 24, 2011, respectively, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants-appellants dated January 5, 2012, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence, said appeal having been calendared for hearing during the April 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 January 12, 2012.

Present - Hon. Peter Tom,	Justice Presiding,
David Friedman	
Helen E. Freedman	
Rosalyn H. Richter	
Sallie Manzanet-Daniels,	Justices.

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

Tonya A.,	M-5358
Petitioner-Respondent,	Docket No. F17620/04

-against-

Hal H.,  
Respondent-Appellant.  
-----x

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about November 24, 2010 and April 4, 2011, respectively,

And respondent-appellant having moved for leave to prosecute the appeals as a poor person, for assignment of counsel, a free copy of the transcript, for consolidation of the appeals, for an enlargement of time 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 is granted to the extent of enlarging the time to perfect the appeals to the June 2012 Term, and the Clerk is directed to calendar the appeals for hearing together for said Term.

The motion, is otherwise denied, without prejudice to respondent seeking relief in Family Court, Bronx County, with respect to the request to obtain the full record on 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 January 12, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5640  
Ind. No. 944/06

Devon Singleton, also known as Davon  
Singleton,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 10, 2008, 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 a statement of the specific issues defendant seeks to raise in the pro se supplemental brief. Sua sponte, the perfected appeal is adjourned to the June 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 January 12, 2012.

Present - Hon. Peter Tom,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta,

Justice Presiding,  
  
  
  
Justices.

-----X

Michele Ben-Meir,

Plaintiff-Respondent,

-against-

M-5645  
Index No. 307134/09

Joseph Ben-Meir, also known as  
Yossi Ben-Meir,

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 12, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 January 12, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Peter H. Soboroff, DVM, P.C., doing  
business as New York Cat Hospital,  
Plaintiff-Respondent-Appellant,

-against-

**M-5522**

Index No. 119060/06

Belkin Burden Wenig & Goldman, LLP,  
Defendant-Appellant-Respondent.

-----X

Belkin Burden Wenig & Goldman, LLP,  
Third-Party Plaintiff-Appellant-  
Respondent,

-against-

Third-Party

Index No. 590785/07

Michael Davis Architecture & Interiors,  
et al.,  
Third-Party Defendants.

-----X

An appeal and cross appeal having been taken from the  
orders of the Supreme Court, New York County, entered on or about  
February 10, 2011 (mot. seq. nos. 001 and 002),

And defendant/third-party plaintiff-appellant-respondent,  
Belkin Burden Wenig & Goldman, LLP, having moved to enlarge the time  
in which to perfect their direct 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 and cross appeal  
to the May 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 January 12, 2012.

Present - Hon. Peter Tom,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta,

Justice Presiding,  
  
  
  
Justices.

-----x  
Barneli & Cie SA,  
Plaintiff-Respondent,

-against-

M-5560  
Index No. 600871/08

Dutch Book Fund SPC, Ltd., et al.,  
Defendants-Appellants.  
-----x

An appeal having been taken to this Court by defendants from the order of the Supreme Court, New York County, entered on or about August 12, 2010 (mot. seq. no. 002) and said appeal having been perfected; and an appeal having been taken by defendants from the order of said Court entered on or about August 25, 2011 (mot. seq. no. 004), respectively,

And plaintiff-respondent having moved for an order dismissing so much of the appeal from the order entered on or about August 12, 2010, to the extent it denied defendant's motion to dismiss plaintiff's fraud claims, as superceded by the order of the same Court entered August 25, 2011; for consolidation of the remainder of the appeals and expedited hearing of same or, in the alternative, granting an extension of time for respondent to file a respondent's brief answering the appeal from the August 12, 2010 order pending hearing and determination of this motion,

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

It is ordered that the motion is granted only to the extent of adjourning the perfected appeal from the order entered April 12, 2010 to the April 2012 Term, and sua sponte, granting plaintiff leave to file a respondent's appendix at its own expense which shall include the relevant documents related to the order entered on or about August 25, 2011 granting reargument (CPLR 5517[b]). 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 January 12, 2012.

Present - Hon. Peter Tom,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta,

Justice Presiding,  
  
Justices.

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

Keith Clark,  
Plaintiff,

-against-

A.O. Smith Water Products, et al.,  
Defendants,

M-5592  
Index No. 190165/10

Kentile Floors, Inc., et al.,  
Defendants-Respondents.  
-----

Napoli Bern Ripka, LLP, et al.,  
Non-Party Appellants,

Joan M. Gasior, Esq.,  
Non-Party Appellant.  
-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 8, 2010, and said appeals having been perfected,

And defendants-respondents having moved for leave to file a supplemental record on appeal containing Exhibits B through E to the moving papers,

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

It is ordered that the motion is granted to the extent that defendants are directed to immediately serve and file as exhibits to the appeal 9 copies of the documents attached to the notice of motion and Affirmation of William D. Sanders, Esq., as Exhibits B through E thereto, 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 January 12, 2012.

Present - Hon. Peter Tom,	Justice Presiding,
James M. Catterson	
Leland G. DeGrasse	
Rosalyn H. Richter	
Sallie Manzanet-Daniels,	Justices.

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

-against-

M-5439  
Ind. No. 179/05

Adolph Gutt, also known as  
Rafael J. Lugo,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about June 2, 2009, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before March 19, 2012 for the June 2012 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. 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 January 12, 2012.

Present - Hon. Peter Tom,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta,

Justice Presiding,  
  
  
  
Justices.

-----x  
Segundo Jesus Tenamaza,  
Plaintiff-Respondent,

-against-

Knickerbocker Construction II LLC,  
et al.,  
Defendants-Appellants.

- - - - -  
Knickerbocker Construction II, LLC,  
et al.,  
Third-Party Plaintiffs-Appellants,

M-5690  
M-4694  
Index No. 114809/08

-against-

MC&O Contracting, Inc.,  
Third-Party Defendant-Appellant,

-and-

MC&O Masonry, Inc., et al.,  
Third-Party Defendants.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 27, 2011 (mot. seq. nos. 001, 002), and said appeals having ben perfected,

And defendant/third-party plaintiff-appellant Knickerbocker Construction II, LLC having moved, by separate motions, for a stay of all proceedings including certain examinations before 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 January 12, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5158

Ind. No. 1623/09

Jeffrey Fernandez,

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 (Laura Ward, J.) entered on or about October 13, 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 Ward 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 January 12, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----x

Phillip Danishefsky and Peggy Danishefsky,  
Petitioners-Appellants,

-against-

Roderick Covlin and David Covlin and  
Carol Covlin,  
Respondents-Respondents.

M-5047

M-5415

Action No. 1

Index No. 100206/10

**SEALED**

-----x

The People of the State of New York  
ex rel. Joel Danishefsky and Jaelene  
Danishefsky, on behalf of Anna Covlin  
and Myles Covlin, their Granddaughter  
and Grandson,

Petitioners-Appellants,

-against-

Roderick Covlin, David Covlin and Carol  
Covlin,  
Respondents-Respondents.

Action No. 2

Index No. 109087/10

**SEALED**

- - - - -  
Jo Ann Douglass, Esq.,  
Attorney for the child Anna Covlin,

Jane B. Freidson, Esq.,  
Attorney for the child Myles Covlin.

-----x

Appeals having been taken in Action No. 1 from an order of the Supreme Court, New York County, entered on or about January 11, 2010, and from orders and an amended order of said Court entered on or about November 9, 2010, and from the order of said Court entered on or about January 11, 2011 and the judgment of said Court entered on or about April 19, 2011, respectively, and said appeals having been perfected,

And an appeal having been taken in Action No. 2 from the judgment of the Supreme Court, New York County, entered on or about April 19, 2011, and said appeal having been perfected,

And respondent-respondent Roderick Covlin having moved for dismissal of the appeals taken by petitioners-appellants in both actions or, in the alternative, for leave to strike petitioners' briefs and records filed in connection with the aforesaid appeals and to compel them to file proper briefs and records (M-5047),

And petitioners-appellants in both actions having cross-moved for leave to file modified records and for leave to file amended briefs (M-5415),

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-5047) is granted to the extent of striking the briefs and records on the aforesaid appeals, with leave to petitioners-appellants to re-file amended appellants' briefs and records as set forth in the affirmation of Marilyn B. Chintz, Esq. (Paragraphs 20[a] and [b] attached to the petitioners-appellants' notice of cross motion [M-5415]), with such records to include the affirmation(s) of Jo Ann Douglas, Esq. submitted in connection with entry of the aforesaid judgments entered April 19, 2011, on or before February 21, 2012 for the May 2012 Term, without prejudice to respondent-respondent raising further arguments with respect thereto in his respondents' briefs. The Clerk is directed to accept the filing without further fee, and the motion is otherwise denied. The cross motion (M-5415) is granted accordingly, and otherwise denied. (See M-5189, M-5315 and M-5337, 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 January 12, 2012.

Present - Hon. Angela M. Mazzarelli,	Justice Presiding,
David Friedman	
James M. Catterson	
Dianne T. Renwick	
Helen E. Freedman,	Justices.

-----x  
Phillip Danishefsky and Peggy Danishefsky,  
Petitioners-Appellants,

-against-

Roderick Covlin and David Covlin and  
Carol Covlin,  
Respondents-Respondents.

M-5189  
Action No. 1  
Index No. 100206/10  
**SEALED**

-----x  
The People of the State of New York  
ex rel. Joel Danishefsky and Jaelene  
Danishefsky, on behalf of Anna Covlin  
and Myles Covlin, their Granddaughter  
and Grandson,  
Petitioners-Appellants,

-against-

Roderick Covlin, David Covlin and Carol  
Covlin,  
Respondents-Respondents.

Action No. 2  
Index No. 109087/10  
**SEALED**

- - - - -  
Jo Ann Douglass, Esq.,  
Attorney for the child Anna Covlin,

Jane B. Freidson, Esq.,  
Attorney for the child Myles Covlin.

-----x

An order of this Court having been entered on April 12, 2011 (M-894/M-895/M-702/M-697), inter alia, staying enforcement of certain orders appealed in the aforesaid actions numbered 1 and 2,

And the attorney for the subject child Myles Covlin, Jane B. Freidson, Esq., having moved on the child's behalf for vacatur of a stay of enforcement previously granted by the order of this Court on April 12, 2011, for modification of the stay granted in Action No. 1 to require an additional undertaking, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated November 14, 2011, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn in accordance with the aforesaid stipulation. (See M-5047, M-5415, M-5337 and M-5315, 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 January 12, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Phillip Danishefsky and Peggy Danishefsky,  
Petitioners-Appellants,

-against-

Roderick Covlin and David Covlin and  
Carol Covlin,  
Respondents-Respondents.

M-5337  
M-5315  
Action No. 1  
Index No. 100206/10  
**SEALED**

-----X  
The People of the State of New York  
ex rel. Joel Danishefsky and Jaelene  
Danishefsky, on behalf of Anna Covlin  
and Myles Covlin, their Granddaughter  
and Grandson,  
Petitioners-Appellants,

-against-

Roderick Covlin, David Covlin and Carol  
Covlin,  
Respondents-Respondents.

Action No. 2  
Index No. 109087/10  
**SEALED**

- - - - -  
Jo Ann Douglass, Esq.,  
Attorney for the child Anna Covlin,

Jane B. Freidson, Esq.,  
Attorney for the child Myles Covlin.

-----X

An order of this Court having been entered on April 12, 2011 (M-894/M-895/M-702/M-697), inter alia, staying enforcement of certain orders appealed in the aforesaid actions numbered 1 and 2,

And the attorney for the subject child Myles Covlin, Jane B. Freidson, Esq., having moved on the child's behalf for vacatur of a stay of enforcement previously granted by the order of this Court on April 12, 2011, for modification of a the stay in Action No. 1 to allow said assigned counsel to pursue certain enforcement remedies and to require an additional undertaking, and for related relief,

And the assigned counsel for the subject child Anna Covlin, Jo Ann Douglas, Esq., having cross-moved for substantially the same relief in both actions,

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.  
(See M-5047, M-5415 and M-5189, 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 January 12, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-5038  
Ind. No. 3178N/09

Jose Sotomayer,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 8, 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, 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 January 12, 2012.

Present - Hon. Richard T. Andrias,	Justice Presiding,
David B. Saxe	
John W. Sweeny, Jr.	
Rolando T. Acosta	
Sallie Manzanet-Daniels,	Justices.

-----x

Kiwon Standen,  
Plaintiff-Respondent,

-against-

M-5567

M-5505

Index No. 307023/10

Daniel Standen,  
Defendant-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 13, 2011 (mot. seq. no. 002),

And an order of this Court having been entered on December 1, 2011 (M-5145), denying plaintiff-respondents motion for vacatur of a certain stay of an extant pendente lite order directing defendant-appellant to pay certain attorney fees, with leave to renew should defendant fail to perfect the appeal for the February 2012 Term,

And defendant-appellant having moved (M-5567) for an enlargement of time in which to perfect the aforesaid appeal upon an expanded record, and for continuation of the stay pending hearing and determination of the appeal taken therefrom, and for other relief,

And plaintiff-respondent having cross-moved (M-5505) for renewal of the aforesaid motion resulting in the order of this Court entered December 1, 2011 [M-5145],

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-5567) is granted to the extent of enlarging defendant-appellant's time to perfect the appeal, upon a proper printed record pertaining only to the order entered on or about September 13, 2011, to the May 2012 Term, and continuing the aforesaid stay on condition defendant-appellant perfects the appeal on or before February 21, 2012 for said May 2012 Term. The cross motion (M-5505) 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 January 12, 2012.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of Jessica Dorfman,  
also known as Jessica Jones,

Plaintiff-Appellant,

**M-5118**

**M-5329**

-against-

Index No. 600929/04

American Education Services, et al.,

Defendants-Respondents.  
-----X

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

And plaintiff-appellant having moved by separate motions for an enlargement of time in which to perfect the aforesaid appeal (M-5118); and to stay a certain referee hearing pending hearing and determination of the aforesaid appeal (M-5329),

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

It is ordered that plaintiff's motion (M-5118) is granted and the time in which to perfect the appeal is enlarged to the June 2012 Term. Plaintiff's motion (M-5329) to stay the referee hearing 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 January 12, 2012.

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

-----x  
Aegis Holding Lipstick LLC,  
Plaintiff-Appellant,

-against-

Metropolitan 885 Third Avenue	M-5138
Leasehold LLC,	Index No. 651054/11
Defendant-Respondent,	

-and-

CB Richard Ellis, Inc., doing  
business as CBRE, et al.,  
Defendants.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about October 26, 2011 and November 9, 2011, respectively,

And plaintiff-appellant having moved in the nature of a *Yellowstone* Injunction staying and tolling the expiration of cure periods for two defaults alleged in a Notice of Cure dated June 7, 2011, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected for the May 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 January 12, 2012.

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

-----x

The City of New York,  
Plaintiff-Respondent,

-against-

M-5328  
Index No. 251375/11

428 East 157<sup>th</sup> Street HDFC,  
Defendant,

Julissa Ramos,  
Defendant-Appellant.

-----x

Defendant-appellant having moved for a stay of the order of Supreme Court, Bronx County, entered on or about November 1, 2011, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition defendant-appellant perfects the appeal on or before February 21, 2012 for the May 2012 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided plaintiff-respondent serves a copy of this order upon defendant within 10 days after the date of entry hereof.

ENTER:

  
CLERK

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

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

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

M-4807  
New York Co.  
Indictment No.  
4242/98

-against-

CERTIFICATE  
DENYING LEAVE

Roger Thomas,

Defendant.  
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 26, 2011 is hereby denied.

Dated: New York, New York

Entered: January 12, 2012

  
Justice of the Appellate Division



STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

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

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

M-5088  
Bronx Co.  
SCI No.  
2465/95

-against-

CERTIFICATE  
DENYING LEAVE

Akile Fernandes a/k/a Julio Cesar Rivas  
Ramirez,

Defendant.  
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about September 28, 2011 is hereby denied.

Dated: New York, New York

Entered: January 12, 2012

  
Justice of the Appellate Division

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

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

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

M-4272  
New York Co.  
Indictment No.  
4458/08

-against-

CERTIFICATE  
DENYING LEAVE

Rockefeller Auguste, also known as  
Auguste Ruckerfeller,  
Defendant.

-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 20, 2011 is hereby denied.

Dated: New York, New York

Entered: January 12, 2012

  
Justice of the Appellate Division

PM ORDERS  
ENTERED ON  
JANUARY 5, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Janine Feaster-Lewis, Individually  
and as Mother and Natural Guardian  
of Saed Lewis, an Infant,  
Plaintiffs-Respondents,

-against-

M-66  
Index No. 14179/01

Mercy Obstetrics and Gynecology,  
P.C., Edilberto Martinez, M.D.,  
and Lois Brustman, M.D.,  
Defendants-Appellants,

Ohad Rotenberg, M.D. and Reynol  
Suarez, M.D.,  
Defendants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 2, 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.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 12, 2012.

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

-----X

In the Matter of the Application of

Contest Promotions-NY LLC  
Petitioner-Respondent,

**M-5528**

**M-5711**

For a Judgment, etc.,

**M-5860**

Index No. 112333/10

-against-

New York City Department of  
Buildings, etc., et al,  
Respondents-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 12, 2011, and said appeal having been perfected,

And petitioner-respondent having moved to have this Court take judicial notice of certain documents (M-5528),

And respondent-appellant, the City of New York, having cross-moved for additional time to respond to petitioner's motion (M-5711),

And respondent-appellant, the City of New York, having cross-moved to have this Court take judicial notice of certain documents (M-5860),

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

Ordered that petitioner-respondent's motion (M-5528) and respondent-appellant, the City of New York's cross motion (M-5860) for judicial notice are denied. Respondent-appellant's cross motion (M-5711) is granted only to the extent of maintaining the appeal on this Court's calendar for the February 2012 Term. Sua sponte, Part VII of the Statement of Facts, at pages 21 through 24, of petitioner-respondent's answering brief is deemed stricken therefrom.

ENTER:

  
CLERK