

At a 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 26, 2012.

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

-----X  
Marguerite E. Royer,  
Plaintiff-Appellant,

-against-

M-56X  
Index No. 602089/09

Mayerson Stutman Abramowitz  
Royer, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 28, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 4, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 January 26, 2012.

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

-----X  
Jsuan Jamel Midgette and Capperchae  
Edwards Midgette,  
Plaintiffs-Respondents,

-against-

M-58X  
Index No. 300668/09

Capellan Galvez,  
Defendant-Appellant.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 4, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 January 26, 2012.

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

-----X  
132 East 35th St. Owners Inc.,  
Plaintiff-Appellant,

-against-

M-72X  
Index No. 114046/09

132 E 35th Street Co.,  
Defendant-Respondent.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about April 14, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 5, 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 January 26, 2012.

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

-----X  
Jennifer Bonjean,  
Plaintiff-Respondent,

-against-

M-73X  
Index No. 350074/96

Kenneth D. Alpart,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 4, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 5, 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 January 26, 2012.

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

-----X

The Klara Rosenberg Trust,

Plaintiff-Respondent,

-against-

M-5576X

Index No. 651917/10

Parcside Equity, LLC,

Defendant-Appellant.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 5, 2011, 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 January 26, 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-5580  
Ind. No. 432/10  
Arnaldo A. Estrella, also known as  
Arnaldo Estrella,  
  
Defendant-Appellant.

-----X  
  
An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 16, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated November 30, 2011, 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 January 26, 2012.

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

-----X  
Paul Whitney,  
Plaintiff-Respondent,

-against-

M-5611X  
Index No. 117578/04

Martin Green and Gopal Ananda Swers,  
Defendants,

William Gill,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 28, 2011 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 2011, 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 January 26, 2012.

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

-----X

Ronald Jackson,

Plaintiff-Respondent,

-against-

M-5612X

Index No. 117863/06

Anthony S.C. Leung,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 24, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 2011, 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 January 26, 2012.

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

-----X  
Betzaida Lugo,  
Plaintiff-Respondent,

-against-

M-5613X  
Index No. 27669/02

GE Capital Auto Lease,  
Defendant,

Raniolo, The Public Administrator,  
on behalf of the Estate of  
Skekoa Kante,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 4, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 2011, 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 January 26, 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-5583  
Ind. No. 5760/09

Nicole Miller,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 10, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated December 5, 2011, 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 January 26, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
John W. Sweeny, Jr., Justices.

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

-against- M-4858  
Ind. No. 523/09

Michael Boone,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 13, 2011 (Appeal No. 5685), unanimously affirming a judgment of the Supreme Court, New York County (Herbert J. Adlerberg, J.H.O. at suppression hearing; Charles H. Solomon, J., at suppression decision and dismissal motion; Maxwell Wiley, J., at plea and sentencing), rendered on January 6, 2010,

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

Now, upon reading and filing the correspondence from defendant-appellant received December 12, 2011, with respect to the motion, 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 January 26, 2012.

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

-----X

Nina Footwear Corp.,

Plaintiff-Appellant-Respondent,

-against-

M-5577X

Index No. 602340/07

Salibello & Broder LLP,

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 August 25, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 8, 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 January 26, 2012.

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

-----X

Mara Rubin,

Plaintiff-Respondent-Appellant,

-against-

M-5614X

Index No. 350047/09

Anthony Della Salla,

Defendant-Appellant-Respondent.

-----X

An appeal and cross having been taken from the order of the Supreme Court, New York County, entered on or about June 1, 2011 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 8, 2011, 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 January 26, 2012.

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

-----X  
MMT Sales, L.L.C. and Harrington  
Righter & Parsons, L.L.C.,  
Plaintiffs-Respondents,

-against-

Acme Television Holdings, LLC,  
et al.,  
Defendants-Appellants.

**SEALED**

M-11

Index No. 602156/09

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 21, 2011 (mot. seq. no. 002), and from the judgment of said Court entered on or about April 6, 2011, respectively,

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 appeals, previously perfected for the February 2012 Term, 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 January 26, 2012.

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

-----X

Frederic Bennett,  
Plaintiff-Appellant,

-against-

M-5470  
Index No. 650958/11

Gould Paper Corporation,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 18, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated December 15, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2012 Term, 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 January 26, 2012.

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

-----X  
CWCapital Asset Management, LLC,  
as Special Servicer for Bank of  
America, N.A., as Trustee on  
behalf of the registered holders of  
GS Mortgage Securities Corporation II,  
Commercial Pass-Through Certificates,  
Series 2007-GG10,  
Plaintiff,

M-5463

-against-

Action No. 1  
Index No. 117469/09

Charney-FPG 114 41<sup>st</sup> Street, LLC, et al.,  
Defendants,

New Hampshire Group, Limited,  
Non-Party Appellant,

-against-

Klaus Kretschmann,  
Non-Party Respondent.

-----X  
Hampshire Group, Limited,  
Plaintiff-Appellant,

-against-

Action No. 2  
Index No. 101980/11

Charney-FPG 114 41<sup>st</sup> Street, LLC,  
Defendant,

-and-

Klaus Kretschmann, as Receiver for  
113-119 West 40<sup>th</sup> Street, New York,  
New York,  
Defendant-Respondent.

-----X



Appeals having been taken from the order of the Supreme Court, New York County, entered on or about May 27, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated December 1, 2011, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the December 2011 Term, 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 January 26, 2012.

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

-----X  
LPL Holdings, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-1  
Index No. 603562/09

Pacific Insurance Company,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 2, 2011, and said appeal having been perfected,

Now, upon reading filing the stipulation of the parties hereto, dated December 28, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2011 Term, 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 January 26, 2012.

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

-----X

Nordkap Bank AG,  
Plaintiff-Respondent,

-against-

M-14  
Index No. 650105/10

Standard Chartered Bank,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 9, 2011 (mot. seq. no. 002),

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, previously perfected for the October 2011 Term, 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 January 26, 2012.

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

-----X  
Carmery Mendez,

Plaintiff-Appellant,

-against-

M-5448  
Index No. 108921/07

Faheem Islam, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 28, 2010 (mot. seq. no. 005), for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 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 the Application of  
Maida DeJesus,  
Petitioner-Appellant,

For an Order Pursuant to Article 78 M-5488  
of the Civil Practice Law and Rules, Index No. 401377/10

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X  
Respondent-respondent having moved for dismissal of the appeal taken from the order and judgment of the Supreme Court, New York County, entered on or about December 16, 2010, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

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

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

-against-

M-5126  
Ind. No. 3242/09

Greg Poirier,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 5, 2011 (M-1188), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 21, 2010, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Northe Group, Inc.,  
Plaintiff-Appellant,

-against-

M-5320  
Index No. 600068/10

Spread NYC, LLC,  
Defendant-Respondent,

Wah Kok Realty Corp., 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 October 20, 2011 (Appeal No. 5789N),

Now, upon 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 26, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
James M. Catterson  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

Yousef Yahudaii,  
Plaintiff,

-against-

Nourallah Baroukhian, etc., M-5600  
Defendant-Appellant, Index No. 103449/08

Reisman, Peirez & Reisman, L.L.P.,  
Non-Party Respondent.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on November 17, 2011 (Appeal No. 6079N),

Now, upon 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 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

William Danzy, M-5479  
Petitioner-Appellant, M-5511  
Index No. 401608/10

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 14, 2011,

And petitioner-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-5479),

And respondent-respondent having cross-moved for the dismissal of petitioner's appeal (M-5511),

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 petitioner's motion (M-5479) is denied. Respondent's cross motion (M-5511) is granted and the appeal is dismissed, and the stay previously granted and continued by this Court by order entered October 11, 2011 (M-4136/M-4082) 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 January 26, 2012.

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

-----X  
Matilda and Miklos Kiss,  
Petitioners-Landlords-Respondents,

-against-

M-5803  
Index No. 570667/10

Agustina Artiles Reynos and Victor  
Flete Duran,  
Respondents-Tenants-Appellants.

-----X

Petitioners-landlords-appellants having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about September 14, 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 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 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In re Sukwa Sincere, G.,

A Dependant Child Under  
Eighteen Years of Age, etc.,

Shamique Latisha S.,  
Respondent-Appellant,

M-5172  
Docket No. B-7367/09

Catholic Guardian Society and  
Home Bureau, et al.,  
Petitioners-Respondents.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 25, 2011 (Appeal No. 5819),

Now, upon 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 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Vulcan Power Company, etc.,  
Plaintiff-Respondent,

-against-

M-5607  
Index No. 600712/09

Stephen M. Munson,  
Defendant,

Soon Min Fay, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 10, 2011 (Appeal No. 5966),

Now, upon 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 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Allan B. Mendelsohn, etc.,

Plaintiff-Appellant,

-against-

M-5490  
Index No. 602869/99

City of New York (19th Precinct),

Defendant-Respondent.

-----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 November 17, 2011 (Appeal No. 5826),

Now, upon 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 26, 2012.

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

-----x  
Online Phone Store, Inc., doing  
business as Factory Outlet Store,

Plaintiff-Respondent,

-against-

M-5178  
Index No. 104689/11

Better Business Bureau of Metropolitan  
New York, Inc.,

Defendant-Appellant.

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 26, 2012.

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

-----X  
Bernard Cherry,

Plaintiff-Appellant,

-against-

M-5748  
Index No. 310302/09

Koehler & Isaacs LLP, et al.,

Defendants-Respondents.

-----X

Plaintiff having moved for an enlargement of time in  
which to perfect the appeal from the order of the Supreme  
Court, Bronx County, entered on or about October 26, 2010,  
and for leave to prosecute said appeal as a poor person,

And an order of this Court having been entered on  
October 11, 2010 (M-3309), inter alia, granting plaintiff  
leave to prosecute the appeal as a poor person,

Now, upon 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  
June 2012 Term. The motion, to the extent it seeks leave to  
prosecute the appeal as a poor person, is denied as unnecessary,  
said relief having been afforded plaintiff by the order of this  
Court entered October 11, 2011 (M-3309).

ENTER:

  
CLERK

At a 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 26, 2012.

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

-----x

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

- - - - -

Samantha M. G.,  
Petitioner-Appellant,

M-4854  
Docket Nos. V-16346/10  
V-16707/10-11A

-against-

Victor T.,  
Respondent-Respondent.

-----x

An order of this Court having been entered on July 14, 2011 (M-2370), inter alia, granting petitioner-appellant leave to prosecute, as a poor person, the appeal from an order of dismissal of the Family Court, New York County, entered on or about April 15, 2011,

And petitioner-appellant, through assigned counsel, having moved for leave to withdraw the appeal and to vacate the order of assignment granted by the order of this Court entered July 14, 2011 (M-2370),

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn, and the order of assignment of this Court entered July 14, 2011 (M-2370), is hereby vacated.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

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

-----X  
In the Matter of the Application of  
Xue Ming Zheng,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-5489  
of the Civil Practice Law and Rules Index No. 101853/10

-against-

Officer Ester Hines, Administrative  
Hearing Officer, Department of  
Housing Authority,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 20, 2011, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2012.

Present - Hon. Angela M. Mazzarelli,	Justice Presiding,
Richard T. Andrias	
David B. Saxe	
Helen E. Freedman	
Nelson S. Román,	Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5450A  
Ind. No. 3422/09

Ikeem Alexander,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 13, 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 moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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. The order of this Court entered on January 26, 2012 (M-5450) is hereby recalled and vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

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

-----X  
Dr. Stephen Matrangelo, D.C., P.C.,  
as assignee of Kevin Fogah,

Plaintiff-Appellant,

-against-

M-4522  
Index No. 570684/10

Allstate Insurance Company,

Defendant-Respondent.  
-----X

Defendant-respondent having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about April 5, 2011,

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

It is ordered that the motion is 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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
Trev Alberts,  
Plaintiff-Appellant,

-against-

M-5623  
Index No. 113081/09

CSTV Networks, Inc.,  
Defendant-Respondent.

-----X

Plaintiff-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 March 9, 2011 (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 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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X

Victor Perez,  
Plaintiff-Respondent,

-against-

M-5642

M-5830

Pedro A. Vasquez and Frank Livery Index No. 102524/07  
Service, Inc.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about February 14, 2011 (M-5642),

And plaintiff-respondent having cross-moved to dismiss the appeal, and for related relief (M-5830),

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2012 Term (M-5642). The cross motion to dismiss the appeal is granted unless appellants perfect the appeal for said Term, and otherwise denied. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days from the date of entry hereof (M-5830).

ENTER:

  
CLERK

At a 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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
Bank of Smithtown,  
Plaintiff-Respondent,

-against-

M-5757

M-2

15 West 17<sup>th</sup> Street, LLC, Issac Mishan,  
and Joseph Sabbagh,  
Defendants-Appellants,

Index No. 117340/09

Peridance Center LLC, et al.,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 4, 2011 (M-5757),

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal (M-2),

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2012 Term (M-5757). The cross motion to dismiss the appeal is granted unless defendants-appellants perfect the appeal for said June 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendants-appellants within 10 days from the date of entry hereof (M-2).

ENTER:

  
CLERK

At a 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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Patricia Nonnon, etc., et al., M-4417  
M-4662  
Plaintiffs-Respondents, Index Nos. 8576/91  
12648/91  
-against- 16388/92  
15687/92  
The City of New York, 20800/92  
15474/92  
Defendant-Appellant. 23354/92  
14920/92  
[And Other Actions] 22410/92  
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 15, 2011 (Appeal Nos. 4698, 4699, 4700, 4701, 4701A, 4701B, 4701C, 4701D, and 4701E) [M-4417],

And plaintiffs-respondents Brian Walsh and Jennifer Nessen having cross-moved for reargument of the aforesaid order of this Court [M-4662],

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.

ENTER:

  
CLERK



At a 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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Sallie Manzanet-Daniels, Justices.

-----X

Sandra Delgado, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-4461

M-4810

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

Index No. 14684/95

New York City Police Department, et al.,  
Defendants.

-----X

Defendant-appellant Brian Washington having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 28, 2011 (Appeal No. 4220) [M-4810],

And defendants-appellants The City of New York Housing Authority and Nicholas Witkowich having moved for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court and for a stay of trial pending hearing and determination of said motion and for related relief [M-4461],

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 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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Kenneth E. Ramseur,

Plaintiff-Appellant,

-against-

M-5569  
Index No. 106397/06

Hudsonview Company, 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 October 20, 2011 (Appeal No. 5776-5776A),

Now, upon 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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
Sara Martinez,  
Plaintiff-Respondent,

-against-

M-5683  
Index No. 305663/09

Goldmag Hacking Corp. and  
Clinton Earle,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 12, 2011,

And defendants-appellants having moved for, inter alia, an order staying the trial pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----x  
Wendy Hakim Jaffe,

Plaintiff-Appellant,

-against-

Robert Jaffe,

Defendant-Respondent.

M-4371  
M-4506  
Index No. 309111/08

-----x  
Plaintiff-appellant having moved for clarification of the decision and order of this Court entered on September 15, 2011 (Appeal No. 5094N) [M-4371],

And defendant-respondent having cross-moved for confirmation or in the alternative of reconsideration of the aforesaid decision and order [M-4506],

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 for clarification is granted to the extent of recalling and vacating the decision and order of this Court entered on September 15, 2011 (Appeal No. 5094N) and substituting a new decision and order therefor. (See Appeal No. 5094N, decided simultaneously herewith.) The cross 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 26, 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

Brandon B. and Michelle L.,

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

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

-against-

Aisha L.,  
Respondent-Appellant,

Jamal B.,  
Respondent,

Patricia L. Moreno, Esq.,  
Attorney for the Children.

-----X

Respondent-appellant/mother 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 June 6, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq.,

260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347)645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-5568/M-37 decided simultaneously herewith).

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 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

Brandon B. and Michelle L.,

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

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

-against-

Aisha L.,  
Respondent-Appellant,

Jamal B.,  
Respondent,

Andrew Baer, Esq.,  
Attorney for the Children.

-----X

M-5568  
M-37  
Docket Nos. NN-00452/10  
NN-00454/10

Attorney for the children having moved by separate motions for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about June 6, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motions are granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway Suite 1415, New York NY 10007, Telephone No. (212)233-0318, as counsel for the children, Brandon B. and Michelle L. for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-5351 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 26, 2012.

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

-----x

David Martinez,

Plaintiff-Respondent,

-against-

M-5080  
Index No. 76314/10

Maria Grullon,

Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, a purported appeal from a determination of an application for a judicial subpoena of the Supreme Court, Bronx County, entered on or about October 19, 2011, 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 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 26, 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-5027  
Ind. No. 1600/00

Julio Muñoz, also known as Julio Matos,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2010, 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 terms of defendant's retainer agreement with trial counsel, David Goldstein, Esq., the amount and sources of funds for trial counsel's fee 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 January 26, 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-5032  
Ind. No. 1133/10

Mayra Perez,  
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 June 28, 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 as timely filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Thomas McGlinchey, et al.,  
Plaintiffs,

-against-

Vassar College,  
Defendant/Third-Party Plaintiff-  
Respondent,

M-5151  
Index Nos. 7089/05  
83749/09

-against-

Kirchhoff Construction Management, Inc.,  
Third-Party Defendant-Appellant.

-----X  
Defendant/third-party plaintiff Vassar College having moved for reargument and/or clarification of the decision and order of this Court entered on October 27, 2011 (Appeal No. 5871),

Now, upon 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 26, 2012.

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

-----X  
In the Matter of the Application of  
Shirley Betts,  
Petitioner-Appellant,

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

M-5316  
Index No. 403007/09

-against-

New York City Housing Authority,  
St. Nicholas Houses,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about May 28, 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 and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

PRESENT - Hon. David B. Saxe,	Justice Presiding,
James M. Catterson	
Karla Moskowitz	
Dianne T. Renwick	
Leland G. Degrasse,	Justices.

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

Ada L.,  
Petitioner-Respondent,

-against-

M-3021  
Docket No. F-05870/09

Gabriel 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 April 8, 2011, and for assignment of counsel,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway Suite 1415, New York, NY 10007, Telephone No. (212)233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the

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

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In re Joseph C. and Another,

Children under the Age of  
Eighteen Years, etc.,

M-5344

Anthony C.,

Docket Nos. NN-08942/09  
NN-08943/09

Respondent-Appellant,

Administration for Children's Services,

Petitioner-Respondent.  
-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 11, 2011 (Appeal No. 5557),

Now, upon 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 26, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Lance International, Inc.,

Plaintiff-Respondent,

-against-

M-5697  
Index No. 570717/09

First National City Bank,

Defendant-Appellant.  
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 21, 2011 (Appeal No. 5041),

Now, upon 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 26, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5325  
Ind. No. 4854/03

Steven Mears,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 23, 2008 (Appeal No. 4384), unanimously affirming a judgment of the Supreme Court, New York County (Mickie A. Scherer, J., on speedy trial motion; Joan C. Sudolnik, J., at jury trial and sentence), rendered on August 22, 2005,

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

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

It is ordered that said application is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

Present - Hon. David B. Saxe,	Justice Presiding,
David Friedman	
Karla Moskowitz	
Helen E. Freedman	
Rosalyn H. Richter,	Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5712

Ind. No. 6194/08

Kenneth Powell,

Defendant-Appellant.

-----X

Defendant-appellant having moved for clarification of the decision and order of this Court entered on October 18, 2011 (Appeal No. 5757),

Now, upon 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 decision and order of this Court entered on October 18, 2011 (Appeal No. 5757) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 5757, 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 26, 2012.

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

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

- - - - -  
Anita L. B-C.,

**M-5477**

Docket No. F13625-03/10d

Petitioner-Appellant,

-against-

Cornealius C.,

Respondent-Respondent.

-----X  
Petitioner-appellant having moved for leave to prosecute,  
as a poor person, the appeal from the order of the Family Court,  
New York County, entered on or about September 22, 2011, and for  
assignment of counsel, a free copy of the transcript, and related  
relief,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a 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 26, 2012.

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

-----X  
River View Towers, Inc.,  
Petitioner-Landlord-Respondent,

-against-

**M-5497**

Index No. 570790/10

William C. Israel,  
Respondent-Tenant-Appellant,

-and-

Frances Israel, et al.,  
Respondents-Undertenants.

-----X

An order of a Justice of this Court dated November 3, 2011, having granted certain relief reinstating a stay of eviction,

And petitioner-landlord having moved to vacate the aforesaid order of a Justice of this Court dated November 3, 2011,

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

Ordered that the motion is granted and the aforesaid relief granted by a Justice of this Court dated November 3, 2011 is vacated.

ENTER:

  
CLERK

APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

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

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

Respondent,

M-2533

NY Co. Ind. No. 5131/07

-against-

Antonio Badia,

CERTIFICATE

GRANTING LEAVE

Defendant-Appellant.

-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about May 10, 2011.<sup>1</sup>

Dated: New York, New York

Entered: January 26, 2012



Justice of the Appellate Division

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

---

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

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-5747  
NY Co.  
Ind No. 2043/05

-against-

CERTIFICATE  
DENYING LEAVE

Jarvis Cromwell,

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 September 28, 2011 is hereby denied.

Dated: New York, New York

Entered: January 26, 2012

  
Justice of the Appellate Division

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

BEFORE: Hon. Nelson S. Román  
Justice of the Appellate Division

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

M-5802  
Ind. No. 4402/90

-against-


CERTIFICATE  
DENYING LEAVE

Khalib Gould,

Defendant.

-----X

I, Nelson S. Román, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, sections 450.15  
and 460.15, and upon the record and proceedings herein, there is  
no question of law or fact presented which ought to be reviewed  
by the Appellate Division, First Judicial Department, and  
permission to appeal from the order of the Supreme Court, New  
York County, rendered on or about August 9, 2011 is hereby  
denied.

  
1/19/12  
Associate Justice

Dated:  
New York, New York

ENTERED: January 26, 2012



PM ORDERS  
ENTERED ON  
JANUARY 26, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 26, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Turnberry Residential Limited  
Partnership, L.P.,  
Plaintiff-Appellant,

**M-5753**  
Index No. 651960/10

-against-

Wilmington Trust FSB,  
Defendant-Respondent,

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 2, 2011,

And plaintiff-appellant having moved for a stay of all proceedings seeking enforcement of the aforesaid order pending hearing and determination of the appeal, and for a preference in the hearing of said appeal,

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

Ordered that the motion is granted to the extent of continuing the interim relief granted by a Justice of this Court on December 22, 2011, on condition that plaintiff perfects the appeal on or before February 21, 2012 for the May 2012 Term, and 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 in the County of New York on January 26, 2012.

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

-----X  
Christopher Henry,

Plaintiff,

-against-

M-5519  
Index No. 302635/09

Marisa Soto-Henry,

Defendant.

-----X

An order of this Court having been entered on December 14, 2010 (M-5663), inter alia, staying defendant's eviction from subject marital premises, without prejudice to proceedings for use and occupancy in Civil Court,

And defendant-appellant having moved to stay certain proceedings for use and occupancy in Civil Court,

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

It is ordered that the 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 March 22, 2012.

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

-----X  
Jay S. Blumenkopf,  
Plaintiff-Appellant-Respondent,

-against-

M-5751A  
Index No. 109489/08

Proskauer Rose LLP,  
Defendant-Respondent-Appellant.  
-----X

An appeal and cross appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 20, 2010,

And defendant-respondent-appellant having moved, on consent, for sealing of the court file in this matter,

Now, upon 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 (22 NYCRR §216.1) and, sua sponte, the record is unsealed.

ENTER:

  
CLERK

At a 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 26, 2012.

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

-----X  
VBH Luxury, Incorporated,  
  
Plaintiff-Respondent,

-against-

940 Madison Associates LLC

Defendant-Appellant.

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

M-5564  
Index No. 111342/07

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 March 30, 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 to the extent of enlarging the time in which to perfect the appeal to on or before August 6, 2012 for 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 January 26, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
Kevin B. Davis,  
Plaintiff-Respondent,

-against

Prestige Management Inc.,  
Defendant-Appellant.

M-24  
Index No. 301600/10

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 14, 2011,

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

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before March 19, 2012 for the June 2012 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendant-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 26, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
Kenneth Orr,  
Plaintiff-Appellant,

-against-

M-80  
Index No. 603423/06

Daniel Yun, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 24, 2011, and said appeal having been perfected (Cal. No. 1655),

And an appeal having been taken from a second order of the Supreme Court, New York County, also entered on or about October 24, 2011, and said appeal having been perfected (Cal. No. 37),

And plaintiff-appellant having moved to consolidate the aforesaid appeals,

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

Ordered that the motion is granted to the extent of adjourning the perfected appeal currently scheduled for argument on February 21, 2012 (Cal. No. 1655) to the March 2012 Term, and directing the Clerk to calendar the aforesaid appeal for hearing together with the appeal perfected for the March 2012 Term (Cal. No. 37).

ENTER:

  
CLERK