

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
John J. Maurer,
Plaintiff-Appellant,

-against-

M-6067X
Index No. 306249/10

Suzanne Maurer,
Defendant-Respondent.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 2, 2012 and January 18, 2013, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 21, 2013, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

Peter Cooke-Zwiebach, et al.,
Plaintiffs-Respondents,

-against-

M-6252
Index No. 104181/06

Robert I. Oziel, et al.,
Defendants,

-and-

Bernard H. Vogel,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 24, 2012 (mot. seq. no. 017),

Now, upon reading and filing the stipulation of the parties hereto, dated November 26, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2013 Term, is withdrawn in accordance with the aforesaid stipulation.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 February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
B&C Realty, Co.,

Plaintiff-Respondent,

-against-

159 Emmut Properties LLC,

Defendant-Appellant.
-----X

M-6057
Index No. 601110/10

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 4, 2013 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated November 21, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2013 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 February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

In the Matter of the Application of
Thomas Abraham and Phillip John,
Holders of more than twenty percent
of all outstanding shares of Elite
Technology NY, Inc.,
Petitioners-Respondents,

-against-

M-6241
Index No. 602895/06

Hanhui Lu,
Respondent-Appellant,

Yong Hong Fan,
Respondent,

-and-

Elite Technology (NY), Inc. and
Elite Technology, Inc.,
Non-Party Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 15, 2012 (mot. seq. nos. 006, 007),

Now, upon reading and filing the stipulation of the parties hereto, dated December 4, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2013 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 February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

Joseph Reddick,
Plaintiff-Appellant,

-against-

M-6245
Index No. 305578/11

Luczko Jacek and M&M Sanitation
Corp.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 7, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated December 2, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2014 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 February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Armando Silva,
Plaintiff-Respondent,

-against-

Advanced Management Services, Ltd.,
45 Greene Street Condominium
Association also known as 45 Greene
Street Condominium and George H.
Walker,
Defendants-Appellants,

M-167
M-168
Index No. 114324/08

-and-

Urbinova LLC, Kamran Malekan, John
Britton, Julien Ruggieri and
Daly Engineering Consulting, P.C.,
Defendants.

-----X
Advanced Management Services, Ltd.,
45 Greene Street Condominium
Association, also known as 45 Greene
Street Condominium and George H.
Walker,
Third-Party Plaintiffs,

Third-Party
Index No. 591004/09

-against-

Herbert Rose Incorporated,
Third-Party Defendant.

-----X

-----X

Advanced Management Services, Ltd.,
45 Greene Street Condominium
Association, also known as 45 Greene
Street Condominium and George H.
Walker,
Second Third-Party Plaintiffs,

Second Third-Party
Index No. 590684/10

-against-

Daly Engineering Consulting P.C.,
Second Third-Party Defendant.

-----X

Advanced Management Services, Ltd.,
45 Greene Street Condominium
Association, also known as 45 Greene
Street Condominium and George H.
Walker,
Third Third-Party Plaintiffs-
Respondents,

Third Third-Party
Index No. 591057/10

-against-

Rosenwach Tank Co. LLC.,
Third Third-Party Defendant-
Appellant.

-----X

Separate appeals having been taken by defendants-
third-party plaintiffs Advanced Management Services, Ltd., et al.
and third-party defendant Rosenwach Tank Co. LLC., from an order
of the Supreme Court, New York County, entered on or about
December 17, 2012,

Now, upon reading and filing the stipulations of the
parties hereto, dated December 20, 2013, and due deliberation
having been had thereon,

It is ordered that the aforesaid appeals, previously
perfected for the January 2014 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 February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Goldman Sachs Lending Partners, LLC,
Plaintiff-Respondent,

-against-

M-4809
Index No. 603118/09

High River Limited Partnership,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved for dismissal of the appeals taken from the order of the Supreme Court, New York County, entered on or about December 22, 2011 and from the judgment of said Court entered on or about January 6, 2012,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated September 19, 2013, and due deliberation having been had thereon,

It is ordered that the aforesaid motion and the appeals 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 February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Ray Volpe,
Plaintiff-Appellant,

-against-

M-6229
Index No. 652308/12

The Interpublic Group of Companies,
Inc.,
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about September 24, 2013,

Now, upon reading and filing the papers with respect to the motion, including the stipulation and between the parties dated December 10, 2013, and due deliberation having been had thereon,

It is ordered that the motion is 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 February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

Karl Anderson,
Plaintiff-Respondent,

-against-

M-5806
M-6273X
Index No. 114152/08

The Trustees of Columbia University
in the City of New York,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 5, 2013 (mot. seq. no. 006),

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal (M-5806),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 4, 2013, and due deliberation having been had thereon (M-6273X),

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation (M-6273X); and the motion for an enlargement of time to perfect the appeal is denied, as academic (M-5806).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----X
In the Matter of the Application of
Paola Garcia,
Petitioner,

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

M-5981
Index No. 400440/13

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 2, 2013, to review a determination of respondent,

And respondent having moved to dismiss the aforesaid proceeding,

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

It is ordered that the motion is granted unless the proceeding is perfected on or before March 17, 2014 for the June 2014 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 February 6, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
 Peter Tom
 Angela M. Mazzarelli
 David Friedman
 John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Jalicia G.,

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

- - - - -

Administration for Children's Services,
Petitioner-Respondent,

M-5208A
Docket No. NN-12252/12

Jacquelin G., also known as Jacqueline
G.,

Respondent-Appellant,

Randolf W.,
Respondent.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeals from orders of the Family Court, Bronx County, entered on or about July 8, 2013 and September 12, 2013, respectively, 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, Carol L. Kahn, Esq., 225 Broadway, Ste. 1510, New York, NY 10007, Telephone No. 212-227-0206, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** The order of this Court entered on December 24, 2013 (M-5208) is hereby recalled and vacated.

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-6694

Ind. No. 4130/11

Paul Ramos,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 18, 2013,

Now, 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 2014 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 February 6, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Diane T. Renwick
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-6693

Ind. Nos. 2210/11
1737/11

Pedro Alejandro Espinal, also known
as Pedro Espinal,

Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 12, 2012, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 7, 2014 for the September 2014 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 February 6, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice.
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Darcel D. Clark, Justices.

-----X

In re Akhtar Ali Sheikh,
Petitioner-Appellant,

-against-

M-6460
Index No. 400197/12

New York City Taxi and Limousine
Commission,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 14, 2013 (Appeal No. 11048),

Now, 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 February 6, 2014.

PRESENT - Hon: Luis A. Gonzalez, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Darcel D. Clark, Justices.

-----X

John M. Ferolito, et al.,
Plaintiffs-Respondents,

-against-

SEALED

M-81

Index No. 600396/08

Domenick J. Vultaggio, et al.,
Defendants-Appellants.

-----X

Domenick J. Vultaggio, et al.,
Counterclaim and Third-Party
Plaintiffs-Respondents,

-against-

Index No. 100568/11

John M. Ferolito, et al.,
Counterclaim and Third-Party
Defendants-Appellants.

-----X

In the Matter of the Application of
John M. Ferolito,
Petitioner,

For a Dissolution of Beverage Marketing
USA, Inc., a Domestic Corporation.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 25, 2013, and said appeal having been perfected,

And plaintiffs-respondents having moved for an order taking judicial notice of the documents attached to the so called Gravante Affirmation as Exhibits 1-21,

Now, 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 pursuant to the stipulation of the parties dated January 8, 2014; sua sponte, the documents which are the subject matter of defendants' prior motions (M-5214/M-5722) entered December 3, 2013, shall be judicially noticed; and the parties are directed to immediately file separate supplemental records containing the documents as to which they, respectively, request that this Court take judicial notice 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 February 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In re Empire State Realty Trust Inc. M-43
Investor Litigation Index No. 650607/12

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered in the above captioned consolidated class action on or about February 22, 2013, February 26, 2013, April 2, 2013, April 10, 2013, and May 17, 2013, respectively,

And the Meyers plaintiffs-respondents having moved for dismissal of the aforesaid appeals for failure to timely file the record on 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 dismissing the aforesaid appeals unless same are perfected on or before March 17, 2014 for the June 2014 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 February 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Karla Moskowitz
Judith J. Gische, Justices.

-----X

The People of the State of
New York ex rel. Ronald Jackson,
Petitioner-Appellant,

-against-

M-5640
Index No. 401348/13

Yolanda Canty, Warden, M.D.C.,
Defendant-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the purported appeal from a judgment of the Supreme Court, New York County, rendered on or about June 27, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
Casa Wales Housing Development
Fund Corp., F&D Development Group,
LLC and Keith DeMatteis,
Plaintiffs-Appellants,

-against-

M-6559
Index No. 14277/06

The City of New York,
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about February 19, 2013,

Now, 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 2014 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 February 6, 2014.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----X

New York Commercial Bank,

Plaintiff-Respondent,

-against-

M-169

Index No. 653452/12

Paul J. Pullo and Gene V. Pullo,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about March 15, 2013,

Now, 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 2014 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 February 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Karla Moskowitz
Judith J. Gische, Justices.

-----X
The People of the State of New York
ex rel. Mustafa Rashid,
Petitioner,

-against- M-5791
Ind. No. 3762/12
Edmund Duffy, Warden, G.M.D.C.,
Respondent(s).
-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this 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 application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

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 February 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

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

- - - - -
Oksoon K.,
Petitioner-Respondent,

M-5653
Docket No. O-30641/11

-against-

Young-Hyun K.,
Respondent-Appellant.

-----x

An appeal having been taken to this Court from an Order of Protection of the Family Court, Bronx County, entered on or about September 6, 2012,

And respondent-appellant, pro se, having moved for an order directing assigned counsel to amend certain minutes,

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

It is order 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 February 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

Effreny Martinez, et al.,
Plaintiffs-Appellants,

-against-

M-6512
Index No. 302278/12

Alubon, Ltd., et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 14, 2013 (Appeal No. 11076),

Now, 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 February 6, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

Joseph Kleinplatz,
Plaintiff-Appellant,

-against-

M-6372
Index No. 108314/08

Karen Burstein,
Defendant-Respondent,

John Does I through X,
Defendants.

-----X

Plaintiff-appellant, pro se, having moved for reargument of the decision and order of this Court entered on November 14, 2013 (Appeal No. 11075),

Now, 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 February 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

-----X

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

Neleh Rose T.,

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

CONFIDENTIAL

M-5578

Docket No. B-22831/08

Leake & Watts Services, Inc., et al.,
Petitioners-Respondents,

Wesley C., also known as Wesley L. C., Jr.,
Respondent-Appellant.

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

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about May 20, 2013,

Now, 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 February 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

-----X

Dorothy Reed,

Plaintiff-Appellant,

-against-

M-6076
Index No. 3953/08

Cleveland Reed,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the purported appeal from an application for a temporary restraining order declined by a Justice of the Supreme Court, Bronx County, on or about February 26, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

David Pullman,
Plaintiff-Appellant,

M-5741

-against-

Index No. 111065/08

David A. Silverman, M.D., et al.,
Defendants-Respondents.

-----X

Consolidated appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 28, 2012 (mot. seq. no. 003) and on or about April 10, 2013 (mot. seq. no. 004),

And plaintiff-appellant having moved for consolidation of the aforesaid appeals and for an enlargement of time to perfect same,

Now, 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 2014 Term, and otherwise denied as unnecessary, said relief having been granted by the order of this Court entered September 24, 2013 (M-3718/M-4081).

ENTER:


CLERK

CORRECTED ORDER - April 23, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

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

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

-against-

Antoine J. Jones,
Defendant-Appellant.

M-4367
Case Nos. 58689C/11
00109C/11

-----X

A judgment of the Criminal Court, Bronx County, having been rendered on or about January 6, 2012,

And defendant having moved for leave to file a late notice of appeal from the aforesaid judgment, and for poor person relief and the assignment of counsel,

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

It is ordered that the motion is denied as unnecessary, the relief having been granted by the order of the Appellate Term, First Department, entered on or about March 13, 2012.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland DeGrasse
Judith J. Gische, Justices.

-----X

In re Shakeema Johnson,
Petitioner,

-against-

M-6557
Index No. 113729/11

New York City Housing Authority,
Respondent.

-----X

Petitioner, pro se, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 19, 2013 (Appeal No. 11091 & M-5550),

Now, 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 February 6, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

Wolfgang Doerr,
Plaintiff-Respondent,

-against-

M-5778
Index No. 103840/10

Daniel Goldsmith,
Defendant,

Julie Smith,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 3, 2013 (Appeal No. 9030),

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

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X

Tashena Ampratwum,
Petitioner-Appellant,

-against-

M-5965
Index No. 310817/11

Faustina Appiah,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having renewed her motion for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about April 26, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:


CLERK

CORRECTED ORDER - March 10, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In re Rudranu Toolasprashad,
Petitioner-Appellant,

-against-

M-5924
Index No. 108031/11

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

-----X

Respondent-respondent 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 17, 2013 (Appeal No. 10557),

Now, 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 February 6, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
In the Matter of the Application of
Donette Kingston,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-6023
of the Civil Practice Law and Rules, Index No. 401228/13

-against-

New York City Police Department,
et al.,
Respondents-Respondents.

-----X

Petitioner having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 15, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:



CLERK

Ordered that the cross motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for

the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time to perfect the proceeding is accordingly enlarged to on or before March 17, 2014 for said June 2014 Term.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

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

-----x

Travis D. Griffin,
Plaintiff-Appellant,

-against-

M-18
Index No. 106369/11

AIG, et al.,
Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 20, 2012 (mot. seq. nos. 001, 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2014 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 February 6, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
Eugene Stolorski and Brigid Stolorski,
et al.,
Plaintiffs-Respondents,

-against-

M-227

Index No. 8850/05

243 East 178th Street LLC,
Defendant,

The City of New York,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about March 27, 2013,

Now, 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 2014 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 February 6, 2014.

Present - Hon. John W. Sweeny, Jr.,	Justice Presiding,
Richard T. Andrias	
Helen E. Freedman	
Rosalyn H. Richter	
Darcel D. Clark,	Justices.

-----x
Miledy Fernandez,

Plaintiff-Appellant,

-against-

Osumana Konneh, et al.,

Defendants-Respondents.
-----x

M-6652
Index No. 303252/09

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 February 14, 2013,

Now, 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 2014 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 February 6, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Keren Elmaliach, etc., et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-5547
Index No. 102026/09

Bank of China Limited, etc.,
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 17, 2013 (Appeal No. 9474),

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

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

"Was the order of this Court, insofar as it affirmed so much of the order of the Supreme Court, which denied defendant's motion to dismiss plaintiffs' complaint pursuant to CPLR 3211(a)(7), properly made?"

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Darcel D. Clark, Justices.

-----X
Macy's, Inc. and Macy's Merchandise
Group, Inc.,
Plaintiffs-Appellants,

-against-

M-279X

Index Nos. 650197/12
652861/12

Martha Stewart Living Omnimedia,
Inc. and J.C. Penney Corporation,
Inc.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 12, 2013, April 15, 2013 (two orders), and May 16, 2013, respectively, with respect to defendant-respondent Martha Stewart Living Omnimedia, Inc.,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 13, 2014, and due deliberation having been had thereon,

It is ordered that the aforesaid appeals are withdrawn in accordance with the aforesaid stipulation. The appeals taken from orders of the aforesaid Court with respect to defendant-respondent J.C. Penney Corporation, Inc. remains extant (see M-6126, 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 February 6, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Darcel D. Clark, Justices.

-----X
Macy's, Inc. and Macy's Merchandise
Group, Inc.,
Plaintiffs'-Appellants,

-against-

Martha Stewart Living Omnimedia, Inc.
and J.C. Penney Corporation, Inc.,
Defendants-Respondents.
-----X

M-6126

Index Nos. 650197/12
652861/12

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 12, 2013, April 15, 2013 and May 16, 2013, respectively,

And plaintiffs-appellants having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect same,

And the appeals taken from certain of the aforesaid orders entered April 12, 2013, April 15, 2013 (two orders) and May 16, 2013 as rendered certain relief with respect to defendant-respondent Martha Stewart Living Omnimedia, Inc. having been withdrawn (see M-279X entered simultaneously herewith),

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the remaining consolidated appeals from the aforesaid orders entered April 15, 2013 and May 16, 2013 with respect to defendant-respondent J.C. Penney Corporation, Inc. upon 9 copies of one record and of one set of appellants' points covering the appeals. The time to perfect said consolidated appeals is enlarged to the June 2014 Term, with leave to seek further enlargements if necessary. (See M-279X, 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 February 6, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
David B. Saxe
Darcel D. Clark, Justices.

-----X

Adam Plotch,
Plaintiff-Appellant,

-against-

M-5736
Index No. 308271/11

Kapco Industries, Inc., 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 1, 2013 (Appeal Nos. 10644-10644A),

Now, 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 February 6, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

Gilberto D.,
Defendant-Appellant.

SEALED

M-5038

Ind. Nos. 6205/09
453/11

-----X

Defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, a purported appeal from an order of the Supreme Court, New York County, entered on or about May 31, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on February 6, 2014.

Present - Hon. Rolando T. Acosta,	Justice Presiding,
Dianne T. Renwick	
Richard T. Andrias	
David B. Saxe	
Sallie Manzanet-Daniels,	Justices.

-----x

IN RE: East 51st Street Crane Collapse
Litigation

Index No. 769000/08

- - - - -
East 51st Street Development Company,
LLC, et al.,
Plaintiffs-Respondents-Appellants,

-against-

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

M-6627

New York Crane and Equipment
Corporation,
Defendant-Appellant-Respondent,

Favelle Favco Cranes (USA), Inc.,
Defendant-Appellant-Respondent,

Index No. 650658/11

Macia Inspection & Testing
Laboratories, Inc.,
Defendant-Appellant-Respondent,

Barker Steel Company, Inc.,
Defendant-Appellant-Respondent,

Loyola Group, Inc.,
Defendant-Appellant-Respondent,

Reliance Construction Group, doing
business as RCG Group, Inc.,
Defendant-Appellant-Respondent.

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

-----x

An order of this Court having been entered on August 20, 2013 (M-3694), inter alia, enlarging the time to perfect the appeals and cross appeal taken from the order of the Supreme Court, New York County, entered on or about September 26, 2012,

And an order of this Court having been entered on November 14, 2013 (M-4914), inter alia, consolidating the appeal taken by Loyola Group Inc. from the order entered on or about September 26, 2012 with its appeal from the order entered on or about July 22, 2013, and enlarging the time to perfect the consolidated appeals to the March 2014 Term,

And defendant-appellant Loyola Group having moved for an enlargement of time to perfect their consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated December 17, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect said consolidated appeals to the June 2014 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 February 6, 2014.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6081
Ind. No. 10340/94

Edwin Houghton,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 17, 2013 [M-1884], denying defendant-appellant's motion for reconsideration of the decision and order of this Court entered on June 25, 1998 (Appeal No. 62353),

And defendant-appellant having renewed the motion for reconsideration of the aforesaid decision and order of this Court entered on September 17, 2013 [M-1884],

Now, 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

P.M ORDERS
FOR
FEBRUARY 6,
2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2014.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Yoseph Yahudali,

Plaintiff-Appellant-Respondent,

-against-

M-6015

Index No. 103449/08

Nourallah Baroukhian, etc., et al.,

Defendants-Respondents-Appellants.

-----X

An appeal and a cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 5, 2012, and the direct appeal having been perfected,

And defendant-respondent-appellant pro se, Nourallah Baroukhian, having moved for renewal/reargument of this Court's order entered September 17, 2013 (M-3836/M-3557/M-4189) which, inter alia, denied defendant-respondent-appellant's motion to strike plaintiff-appellant-respondent's 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 referring the matter to the Supreme Court, New York County, for a reconstruction hearing of the trial proceedings that were conducted on September 27, 2011 and otherwise denied. The direct appeal is adjourned to the September 2014 Term with leave to seek a further adjournment if so advised.

ENTER:


CLERK