



At a 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. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Karla Moskowitz  
Nelson S. Román, Justices.

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

Respondent,

-against-

**M-504**

Ind. No. 2249/11

Eugene Kindall,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 19, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

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

Nadege P.-V., M-283  
Petitioner-Respondent, Docket No. F 20669-05/10E/11F

-against-

Michael H.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about November 22, 2011, 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 denied, with leave to renew upon submission of the motion papers in compliance with CPLR 1101(a), including proof of service to all interested parties.

ENTER:



CLERK

At a 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. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-624

Ind. No. 16372C/11

Robert Cedeno,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 11, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

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

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

-against-

M-516  
Ind. No. 1527/10

Hector Morales,  
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 November 7, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

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

-----X

Sandra Jimenez,

Plaintiff-Respondent,

-against-

**M-533**

Index No. 108313/10

Christine Lai, M.D., et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 22, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X

Courtney DuPree,  
Plaintiff-Respondent,

-against-

M-719  
Index No. 653412/11

Scottsdale Insurance Company,  
Defendant-Appellant.

-----X

Leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about January 4, 2012, having been granted by an order of a Justice of this Court entered on February 15, 2012,

And, defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the aforesaid order of the Supreme Court, New York County, entered on or about January 4, 2012,

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

-----X  
Griseida Puello,

Plaintiff-Respondent,

-against-

**M-282**  
Index No. 20095/98

The City of New York,

Defendant-Appellant,

Irving Castle, et al.,

Defendants.  
-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 15, 2011 (Appeal No. 6369),

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. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

-against-

M-1136  
Ind. No. 5170/11

Stan Xuhui Li,  
Defendant.

-----X

Defendant having moved for relief in the nature of CPLR 5704(a) with respect to certain relief denied by a Justice of the Supreme Court, New York County, on or about February 29, 2012,

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. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-566  
Ind. No. 3494/08

Manuel Dume, also known as Kevin Lugo,

Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 21, 2011, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of 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 motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Dianne T. Renwick  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Reneé Morrell,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-799  
Index No. 106761/10

New York City Department of Education,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about May 25, 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 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 March 22, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Sheila Abdus Salaam, Justices.

X

The People of the State of New York,  
Respondent,

against

**M-360**

Ind. No. 5452/03

Raymond Wilson,  
Defendant Appellant.

X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 12, 2012, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Farrin B. Ullah,

Plaintiff-Appellant,

-against-

**M-479**  
Index No.402742/08

Zahid J. Ullah,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 13, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that plaintiff-appellant serves one copy of such brief upon the attorney for defendant-respondent and files 8 copies of such brief, together with the original record, with this Court. Plaintiff-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

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

-against-

M-646  
Ind. No. 53/11

Johnny Suarez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 5, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

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

The Commissioner of Social Services,  
on behalf of Yasmin T., also known as  
Llasmin T.,  
Petitioner-Respondent,

M-677  
Docket No. F-27624/09

-against-

Edwin T.,  
Respondent-Appellant.

-----X

Petitioner-respondent Yasmin T. having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about January 9, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion denied, with leave to renew if and when respondent-appellant files an application for poor person relief, and upon proof of service of said renewed motion upon respondent-appellant.

ENTER:



CLERK

At a 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. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----x  
Joseph Kleinplatz,  
Plaintiff-Appellant,

-against-

M-16  
Index No. 108314/08

Karen Burstein, Esq.,  
Defendant.

- - - - -  
Candace C. Carpenter, Esq.,  
Non-Party Respondent.

-----x

An order of this Court having been entered on December 13, 2011 (M-4275), denying plaintiff-appellant's motion for a stay of the decision and order of the Supreme Court, New York County, entered on or about June 17, 2011, and vacating the interim relief granted by an order of a Justice of this Court dated September 20, 2011,

And plaintiff-appellant having moved for reconsideration of the aforesaid order (M-4275),

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. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Sheila Abdus Salaam  
Sallie Manzanet Daniels, Justices.

X

In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

Xhevahire Sinanaj and Selvi Sinanovic  
as Co Administrators of the Estate of  
Ramadan Kurtaj, Deceased, and Selvi  
Sinanovic, Individually,  
Plaintiffs Respondents,

ACTION NO. 1

**M-253**

Index No. 117469/08

against

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

City of New York School Construction  
Authority, et al.,  
Defendants.

1765 First Associates,  
Defendant Appellant,

Leon D. Dematteis Construction  
Corporation,  
Defendant/Third Party Plaintiff Appellant,

Sorbara Construction Corp.,  
Defendant/Third Party Defendant Appellant.

X

(And additional third party actions)

X

X

Donald Raymond Leo, Administrator  
of the Estate of his Son, Donald  
Christopher Leo, Deceased May 30,  
2008,

ACTION NO. 2

Plaintiffs Respondents,

Index No. 117294/08

against

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

1765 First Associates,  
Defendant Appellant,

Leon D. Dematteis Construction  
Corporation,  
Defendant/Third Party Plaintiff Appellant,

Sorbara Construction Corp.,  
Defendant/Third Party Defendant Appellant.

X

(And additional third party actions)

X

Separate appeals having been taken by defendant/third party plaintiff appellant, Leon D. Dematteis Construction Corp., and by defendant appellant, 1765 First Associates, LLC, and by defendant/third party defendant appellant, Sorbara Construction Corp., from orders of Supreme Court, New York County, entered on or about October 10, 2011 in each of the aforesaid "Sinanaj" and "Leo" Actions,

And defendant/third party defendant appellant, Sorbara Construction Corp., having moved to consolidate the appeals taken by the Leon D. Dematteis Construction Corp., 1765 First Associates, LLC, and Sorbara Construction Corp., from the orders entered October 10, 2011 in the aforesaid "Sinanaj" and "Leo" Actions,

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 for consolidation is granted to the extent of directing that, the appeals taken by the Leon D. Dematteis Construction Corp., 1765 First Associates, LLC, and Sorbara Construction Corp., from the order entered October 10, 2011 in the aforementioned "Sinanaj" Action are consolidated to the extent that the appellants are permitted to perfect same upon a joint record, each appellant may file one set of appellants points covering the appeal, and it is further,

Ordered that the appeals taken by the Leon D. Dematteis Construction Corp., 1765 First Associates, LLC, and Sorbara Construction Corp., from the order entered October 10, 2011 in the aforementioned "Leo" Action are consolidated to the extent that the appellants are permitted to perfect same upon a joint record, and each appellant may file one set of appellants points, and it is further

Ordered that appellants Leon D. Dematteis Construction Corp., 1765 First Associates, LLC, and Sorbara Construction Corp. are directed to perfect the consolidated appeals in each of the aforesaid "Sinanaj" and "Leo" Actions for the October 2012 Term, and that upon perfection of the aforesaid consolidated appeals, the Clerk is directed to place the consolidated appeals in each of the aforesaid "Sinanaj" and "Leo" Actions on the same day calendar for hearing together during 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 March 22, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----x  
Lillian Cohen

Plaintiff-Appellant,

-against-

The City of New York,

Defendant-Respondent.  
-----x

M-303  
Index No. 118228/06

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 June 3, 2010 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2012 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

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

-against- M-670  
Ind. Nos. 3789/10  
Francisco Moreno, 3931N/11  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 12, 2012 (M-5547), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 1, 2011, under Indictment No. 3789/10, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 3931N/11,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment No. 3931N/11, and extending the poor person relief previously granted to cover same.

ENTER:



CLERK

At a 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. Richard T. Andrias, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Sound Communications, Inc.,  
Plaintiff-Respondent,

-against-

Rack and Roll, Inc., et al.,  
Defendants-Appellants.

**M-5354**  
Index No. 107817/08

-----X

Plaintiff-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 18, 2011 (Appeal No. 5455),

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. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Lenora Collazo,  
Plaintiff-Respondent,

-against-

M-215  
Index No. 300070/08

Riverbay Co-Op and Riverbay Corporation,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about January 31, 2011,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet Daniels, Justices.

X

The People of the State of New York,  
Respondent,

against

M 443  
Ind. No. 4955/08

Edward DeLacruz,  
Defendant Appellant.

X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 14, 2010,

And assigned counsel, Robert S. Dean, Esq., having moved on defendant's behalf for a hearing to reconstruct the evidence, arguments and decision on a *Huntley* motion held in Supreme Court, New York County, Part 31 (Stone, J.) held on August 5, 2009, and for an enlargement of time in which to perfect 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 granted to the extent of remanding the matter to Supreme Court, New York County, for a reconstruction hearing of the aforesaid proceedings. Defendant's counsel is directed to serve a copy of this order upon the Clerk of said Court and its Chief Court Reporter within 10 days from the date of entry hereof, and the Clerk is directed to have the minutes of the proceedings transcribed and delivered to appellant's counsel for inclusion in the record within 30 days of the conclusion of said reconstruction hearing. Defendant appellant's time in which to perfect the appeal is enlarged to the September 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x  
Celestino Dos Santos,

Plaintiff-Appellant,

-against-

M-568  
Index No. 105861/08

Consolidated Edison of New York, Inc.,

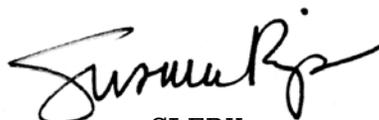
Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 13, 2011 (mot. seq. no. 002),

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x  
Sherry Mehta,

Plaintiff-Appellant,

-against-

M-587

Index No. 603339/08

Roger Chugh, also known as Rajesh Chugh,  
et al.,

Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about March 30, 2011 (mot. seq. no. 002) and August 22, 2011 (mot. seq. nos. 003, 004), respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about March 30, 2011 (mot. seq. no. 002),

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

It is ordered that, sua sponte, the appeals are consolidated and appellant is permitting to prosecute the consolidated appeals upon 8 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to on or before July 9, 2012 the September 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

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

-----X  
Sterling National Bank as Assignee  
of Astro Plastics,  
Plaintiff-Respondent,

-against-

M-609  
Index No. 302402/07

Polyseal Packaging Corp.,  
also known as Polyseal,  
Defendant-Appellant,

Pace Polyethylene Mfg. Co., Inc.,  
also known as Pace Polyethylene,  
Defendant.

-----X

Defendant-appellant Polyseal Packaging Corp., also known as Polyseal having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about March 21, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x  
Lorraine Anderson,

Plaintiff-Appellant,

-against-

The City of New York, et al.,

Defendants-Respondents.  
-----x

M-678  
Index No. 13145/07

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 October 29, 2010,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet Daniels, Justices.

X

In the Matter of the Application of  
James W. Pendergrast,  
Petitioner,

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

M 731

M 845

Index No. 107537/10

against

New York City Housing Authority,  
Respondent.

X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 20, 2011,

And petitioner having moved for an enlargement of time to perfect the proceeding (M 731),

And respondent having cross moved for dismissal of the aforesaid proceeding for failure to timely prosecute (M 845),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to the September 2012 Term. The cross motion is granted to the extent of dismissing the proceeding unless it is perfected for said Term. Upon failure to so perfect, an order dismissing the proceeding may be entered ex parte, provided respondent serves a copy of this order upon petitioner 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 March 22, 2012.

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

-----X

In re Ivana Paul,

Petitioner,

-against-

**M-5626**

Index No. 401991/10

New York City Housing Authority,

Respondent.

-----X

Respondent having moved for reargument of the decision and order of this Court entered on November 15, 2011 (Appeal No. 5867),

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. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

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

Alina Services Corp., et al.,  
Petitioners,

For an Order pursuant to Article 78  
of the CPLR

-against-

M-834  
Index No. 101763/12

The New York City Department of  
Education, et al.,  
Respondents.

-----X

Petitioners having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about February 21, 2012,

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. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X

Linda Merritt, etc.,  
Plaintiff-Appellant,

-against-

M-296  
Index No. 603673/08

Michael V. Blumenthal, Esq.,  
Defendant-Respondent,

Brown, Raysman, Millstein, Felder  
& Steiner LLP, et al.,  
Defendants.

-----X

Defendant-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 December 15, 2011 (Appeal No. 6338),

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. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----x  
316 Second Avenue, NH, LLC, as assignee  
of Grupo Popular Investments Corporation,  
Plaintiff,

-against-

M-684  
Index No. 600217/10

316 Second Avenue, LLC, et al.,  
Defendants.

-----x

Defendant Haroutiun Derderian having moved for affirmative relief having been declined by a Justice of Supreme Court, New York County, on or about January 23, 2012,

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. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
David Flores

Plaintiff-Appellant,

-against-

**M-547**

Index No. 302877/07

Isabel Rivera, et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant 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 November 5, 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 denied and, sua sponte, 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 March 22, 2012.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Angelina Ferreiras, an infant by her  
mother and natural guardian, Loida  
Vargas and Loida Vargas, individually,  
Plaintiffs-Respondents,

**M-543**  
Index No. 350535/07

-against-

Michael L. Traub, M.D.,  
Defendant,

Garfield A. Clunie, M.D., et al.,  
Defendants-Appellants.

-----X

Defendants-appellants 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 March 15, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x

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

- - - - -  
Vivian V., M-570  
Petitioner-Respondent-Appellant, M-603  
Docket No. F-391/07

-against-

Howard Anthony R.,  
Respondent-Appellant-Respondent.

-----x

Petitioner-respondent-appellant Vivian V. having moved for an enlargement of time to perfect the direct appeal from the order of the Family Court, New York County, entered on or about April 6, 2011 (M-570),

And respondent-appellant-respondent Howard Anthony R. having cross-moved for an enlargement of time to perfect the cross appeal (M-603),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the September 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x  
Phyllis Lopez, et al.,  
Plaintiffs-Appellants,

-against-

M-634  
Index No. 650721/10

Worldwide Management Group, LLC, et al.,  
Defendants-Respondents,

-and-

Gadi Zamir, et al.,  
Defendants.

-----x

Appeals having been taken to this Court by plaintiffs from an order of the Supreme Court, New York County, entered on or about April 7, 2011, and from the judgment of said Court entered on or about December 21, 2011, respectively,

And plaintiffs having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting plaintiffs to prosecute the consolidated appeals upon 8 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to on or before July 9, 2012 for the September 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

against

**M-181**  
Ind. No. 4925/10

Yasmeen N. Ellison  
Defendant Appellant.

X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 7, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 22, 2012.

PRESENT: Hon. James M. Catterson, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
GJF Construction, Inc., doing business  
as Builders Group, 101 Park Avenue  
Associates, LLC and Zurich American  
Insurance Company,  
Plaintiffs-Appellants,

-against-

M-5810  
Index No. 604221/05

The Sirius America Insurance Company  
and Ceiling Solutions, Inc.,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 29, 2011 (Appeal No. 5702),

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

PM ORDERS  
ENTERED ON  
MARCH 20, 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 March 20, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Nelson S. Román, Justices.

X

Willie Collins and Susan Collins,  
Plaintiffs Respondents,

against

**M-440**

**M-802**

HMU Lunney Restaurant Corp.,  
Defendant Appellant,

Index No. 106219/07

GSE & E of Long Island and GSE & E  
Garden State Engine & Equipment Co.,  
Inc.,  
Defendants Appellants,

Let There Be Neon, Inc.  
Defendant Appellant.

X

GSE & E of Long Island and GSE & E  
Garden State Engine & Equipment Co.,  
Inc.,  
Third Party Plaintiffs Respondents  
Appellants,

Third Party  
Index No. 590057/08

against

Interboro Signs and Maintenance,  
Third Party Defendant Appellant  
Respondent.

X

Interboro Signs and Maintenance,  
Second Third Party Plaintiff  
Appellant,

Second  
Third Party  
Index No. 590619/08

against

Rosol Agency, Inc.,  
Second Third Party Defendant.

X

An appeal having been taken by HMU Lunney Restaurant Corp. from the order of the Supreme Court, New York County, entered on or about August 3, 2011 (mot. seq. no. 010), and **said appeal having been perfected,**

And an appeal and cross appeal having been taken by Interboro Signs and Maintenance, and GSE & E of Long Island and GSE & E Garden State Engine & Equipment Co., Inc. (GSE parties) from the order of the same court entered on or about August 3, 2011 (mot. seq. nos. 008 and 009),

And an appeal having been taken by Let There Be Neon, Inc. from the order of the same court and justice entered on or about September 19, 2011,

And the GSE parties having moved to enlarge the time in which to perfect their appeal and respond to the perfected appeal of HMU Lunney Restaurant Corp., and for other relief (M 440),

And Let There Be Neon, Inc. having moved for the same and related relief (M 802),

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 (M 440/M 802) are granted to the extent of by enlarging the time in which to perfect the respective appeals and cross appeals to the October 2012 Term, adjourning the perfected appeal of HMU Lunney Restaurant Corp. to said October 2012 Term (M 440/M 802), and granting said parties leave to proceed upon a joint supplemental record with respect to the perfected appeal, if so advised. The Clerk is directed to calendar the respective appeals and cross appeals for hearing together on the same day in the aforesaid 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 March 20, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Ellen Zednick, Kenneth Seplow, Lisa  
Nelson, etc., et al.,  
Plaintiffs-Appellants,

-against-

**M-889**  
Index No. 103448/11

Derfner Management Inc., et al.,  
Defendants-Respondents,

Blair Hall, Inc., et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 24, 2012,

And defendants-respondents having moved for leave to file the supplemental record on appeal submitted with the motion,

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

It is ordered that the motion is granted only to the extent of permitting defendants-respondents to file forthwith 9 copies of a supplemental record on appeal consisting of the Memoranda of Law submitted in support and in opposition to the disqualification motion (pages 1 through 31 of the supplemental record submitted with this motion) and adjourning the appeal to the June 2012 Term. The motion is otherwise denied.

ENTER:

  
CLERK

PM ORDERS  
ENTERED ON  
MARCH 22, 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 March 22, 2012.

PRESENT - Hon: Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
William C. Samuels,  
Plaintiff-Appellant,

-against-

M-961  
Index No. 107142/04

Consolidated Edison Company of New York,  
Defendant-Respondent.

-----X  
Consolidated Edison Company of New York,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 590214/08

Roadway Contracting, Inc.,  
Third-Party Defendant-Respondent.

-----  
(And another action)  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 11, 2010, and said appeal having been perfected,

And third-party defendant Roadway Contracting, Inc. having moved for an order deeming it a respondent on the plaintiff's appeal, and extending the time in which to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of directing third-party defendant-respondent Roadway Contracting, Inc. to file a respondent's brief by April 18, 2012, and adjourning 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 March 22, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Roselyn H. Richter  
Nelson S. Román, Justices.

-----x  
The People of the State of New York,  
by Andrew M. Cuomo, etc.,  
Petitioner-Appellant,

-against-

M-932  
Index No. 400837/10

Tempur-Pedic International, Inc.,  
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 20, 2011 (mot seq nos. 001, 002, 003), and said appeal having been perfected,

And respondent-respondent having moved for leave to supplement the record on appeal to include Exhibits C and D to the McGillycuddy Affidavit (submitted with the moving papers) or, in the alternative, for this Court to take judicial notice of said documents,

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 respondent-respondent is directed to file 9 copies of said exhibits as a supplemental record on appeal forthwith.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

Jessica Hirsh,  
Plaintiff-Respondent,

-against-

**M-925A**

Index No. 303905/10

David Hirsh,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 3, 2012, and said appeal having been perfected,

And an order by a Justice of this Court having been entered February 29, 2012, granting plaintiff an adjournment of the aforesaid appeal to the June 2012 Term,

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 without prejudice to raising the arguments in the respondent's brief. Defendant-appellant is directed to file a supplemental record on appeal containing the stipulation between the parties dated February 23, 2012 and the "settlement agreement" executed by the parties on February 22, 2012, forthwith. (The order of this Court entered on March 22, 2012 [M-925] 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 March 22, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
Bank of New York Mellon, etc.,  
Plaintiff-Respondent,

-against-

**M-5689**  
Index No. 651914/10

Taberna Preferred Funding III, Ltd.,  
et al.,  
Defendants,

Merrill Lynch Capital Services, Inc.,  
Defendant-Appellant,

AG Financial Products, Inc., et al.,  
Defendants.

-----X

Defendant-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about December 12, 2011, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition that the appeal is perfected for the September 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 March 22, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----x  
Kathleen Rice, as Administrator of the  
Estate of James Rice, decedent and  
Kathleen Rice, individually,  
Plaintiffs-Respondents,

M-869

-against-

West 37<sup>th</sup> Group, LLC, GJF Construction  
Corp., doing business as Builders  
Group,  
Defendants-Appellants-Respondents,

Index No. 101207/05

-and-

Cord Contracting Co.,  
Defendant.

-----  
West 37<sup>th</sup> Group, LLC, GJF Construction  
Corp., doing business as Builders  
Group,  
Third-Party Plaintiffs-Appellants-  
Respondents,

Index No. 590813/05

-against-

Five Boro Associates,  
Third-Party Defendant-Respondent-  
Appellant.

-----  
(And other actions)

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 12, 2011, and said appeal and cross appeal having been perfected upon a joint record,

And defendants/third-party plaintiffs/second third-party plaintiffs-appellants having moved for leave to strike plaintiff-respondent's brief upon the ground that it contains matter de hors the record, 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 motion is granted to the extent of deeming the statements made by Dr. Michael J. Greenberg, M.D., referred to in plaintiffs-respondents' brief (P 27, ¶ 2, p. 29, ¶ 1) stricken. The appeal is maintained on the May 2012 Term calendar.

ENTER:

  
CLERK