

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 October 2, 2014.

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

-----X
Sheena Wright,
Plaintiff-Respondent,

-against-

M-3857X
Index No. 314073/12

Gregg Walker,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 21, 2013 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 1, 2014, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

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

-----X
David Drapisch,
Plaintiff-Respondent,

-against-

M-3858X
Index No. 304058/09

Win Properties, et al.,
Defendants-Appellants.
-----X
(And a third-party action)
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about January 8, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 31, 2014, 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It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 October 2, 2014.

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

-----X
Cyril George,
Plaintiff-Appellant,

-against-

Phipps House Services, Inc., etc.,
et al.,
Defendants-Respondents.

M-3693
Ind. No. 306164/09

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 25, 2013,

And defendants-respondents having moved for an order dismissing the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated July 29, 2014, and the correspondence dated August 6, 2014 from Krol Clerkin Redmond Ryan Perry & Van Etten, LLP (Elizabeth Gelfand Kastner, Esq.), and due deliberation having been had thereon,

It is ordered that the motion and appeal are withdrawn in accordance with the aforesaid stipulation and correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 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

Steve Loren,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3825
Index No. 401945/12

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

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 20, 2012,

And petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal,

Now, upon reading and filing the correspondence from petitioner-appellant, pro se, dated August 8, 2014, and due deliberation having been had thereon,

It is ordered that the motion 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 October 2, 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

Gabriel Anthony McC., and
Daniel Liam McC.,

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

- - - - -
Leake and Watts Services, Inc.,
et al.,

Petitioners-Respondents,

M-2214
Docket Nos. B-4720/12
B-4721/12

Marianne Theresa McC., also known as
Marianne T. McC., also known as
Marianne T.,
Respondent-Appellant.

- - - - -
Richard Bara, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of Deposition entered on or about March 26, 2014 bringing up for review an order of Fact-Finding of the Family Court, Bronx County, entered on or about March 6, 2014, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone No. 914-439-4843, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for

inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 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

Lovall J.,

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

- - - - -

Administration for Children's Services,
Petitioner-Respondent,

M-2766
Docket No. NN-21086/13

Mirtello J.,
Respondent-Appellant.

- - - - -

Seymour James, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 29, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 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 a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Mohamed Z. G.,
Petitioner-Appellant,

-against-

M-3322
Docket Nos. V-27505/13
V-27506/13

Mairead P. M.,
Respondent-Respondent.

Cassandra Celestin, Esq.,
The Children's Law Center,
Attorney for the Children.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 13, 2014, 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, Suite 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 therefor;¹ **within 30 days (FCS 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 the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 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 a Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Carol H.,
Petitioner-Appellant,

-against-

M-2886
Docket No. V-31907-8/13

Shewanna H., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant maternal grandmother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 22, 2014, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, 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;**

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

(3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4096, 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 October 2, 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 a Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Carol H.,
Petitioner-Appellant,

M-4096
Docket No. V-31907-8/13

-against-

Shewanna H., et al.,
Respondents-Respondents.

-----X

Respondent-respondent mother Shewanna H. 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 May 22, 2014, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone No. 914-439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-2886, 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 October 2, 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 Proceeding for
Visitation/Custody Under Article 6
of the Family Court Act.

Elissa A., Petitioner-Appellant, **M-4616**
Docket No. V-32605/12

-against-

Samuel B., Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about November 25, 2014, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

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 October 2, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X

Michael Flomenhaft,
Plaintiff-Appellant,

-against-

M-4176
Index No. 156597/13

Andrew G. Finkelstein, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 24, 2014,

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

It is ordered that the motion is granted on condition the appeal is perfected on or before November 10, 2014 for the January 2015 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 October 2, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman, Justices.

-----X

Abuwi M. Waheed,
Plaintiff-Appellant,

M-4210

M-4357

-against-

Index No. 400111/12

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

-----X

A purported appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 25, 2012, and said appeal having been perfected,

And a purported appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 8, 2012,

And defendants-respondents having moved to dismiss the perfected appeal or in the alternative for an enlargement of time to file their respondents' brief and for dismissal of the aforesaid purported appeal from the order entered on May 8, 2012 (M-4210),

And plaintiff-appellant having cross-moved to dismiss defendants-respondents motion (M-4357),

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

It is ordered that the motion is granted to the extent of dismissing the aforesaid appeal from the order entered on July 25, 2012, previously perfected for the October 2014 Term (See M-3723, entered on November 13, 2012) and dismissing the purported appeal from the aforesaid order entered on May 8, 2012 (M-4210). The cross-motion to dismiss defendants-respondents motion is denied (M-4357).

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 October 2, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X

F.P. Fashions, LLC,
Plaintiff-Appellant,

-against-

M-3992
Index No. 152479/14

Fabiola Pedrazzini,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction, inter alia, enjoining and restraining defendant-respondent from engaging in any dealings or interactions with appellant's customers or affiliates and other related activities pending hearing and determination of the appeal taken from the orders of the Supreme Court, New York County, entered on or about July 29, 2014 and July 31, 2014,

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 further proceedings in Supreme Court and the interim relief granted by an order of a Justice of this Court, dated August 8, 2014, is hereby vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X

In the Matter of
Wendy P. and Valeria S.,

Children Under the Age of 18 Years M-4039
of Age, Alleged to Be Neglected By: Docket No. NA-27180-1/13

Edwin S.,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about July 21, 2014,

And an order by a Justice of this Court entered August 13, 2014, having granted a limited stay of the aforesaid order and having otherwise denied the application, without prejudice to a determination by a full bench,

And respondent-appellant having moved to further stay the aforesaid order 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 aforesaid interim relief granted by an order of a Justice of this Court, entered August 13, 2014, is continued, pending hearing and determination of the appeal and the motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
David B. Saxe
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

Milton Gualpa,
Plaintiff-Appellant-Respondent,

-against-

M-3600

M-3672

Index No. 301817/10

Leon D. DeMatteis Construction
Corp., et al.,
Defendants-Respondents-Appellants.

-----X

Plaintiff-appellant-respondent having moved for reargument of the decision and order of this Court entered on May 27, 2014 (Appeal No. 11819) [M-3600],

And defendants-respondents-appellants having cross-moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court [M-3672],

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

It is ordered that the motion [M-3600] is granted and, upon reargument, the decision and order of this Court entered on May 27, 2014 (Appeal No. 11819) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 11819, decided simultaneously herewith.) The cross motion is denied [M-3672].

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 October 2, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Karla Moskowitz
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Eric Alexander,
Plaintiff-Respondent,

-against-

M-3316
Index No. 304255/09

Hany Alexander,
Defendant-Appellant.
-----X

Defendant-appellant having moved an extension of time to move for reargument of the decision and order of this Court entered on April 8, 2014 (Appeal No. 11999),

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 October 2, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Helen E. Freedman, Justices.

-----X
James Fountain,
Plaintiff-Respondent,

-against-

M-3159
Index No. 304191/11

Daniel Anthony Ferrara, Esq., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 3, 2014 (Appeal No. 12633),

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 October 2, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Georgia Malone & Company, Inc.,
Plaintiff-Respondent,

-against-

Extell Development Company, et al.,
Defendants-Appellants.

M-3233
Index No. 158913/12

-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 19, 2014 (Appeal No. 12835),

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 October 2, 2014.

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

-----X
Loreley Financing (Jersey)
No. 28, Limited,
Plaintiff-Respondent-Appellant,

-against-

Merrill Lynch, Pierce, Fenner
& Smith Incorporated, et al.,
Defendants-Appellants-Respondents,

M-2993
M-3001
Index No. 652732/11

250 Capital LLC,
Defendant-Appellant,

Aurig CDO. Ltd.,
Defendant.

-----X

Defendant-appellant 250 Capital LLC, 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 May 8, 2014 (Appeal No. 11887) [M-2993],

And and defendants-appellants-respondents Merrill Lynch, Pierce, Fenner & Smith Incorporated, having moved for the same relief [M-3001],

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

It is ordered that the motions are denied [M-2993/M-3001].

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 October 2, 2014.

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

-----X
Loreley Financing (Jersey)
No. 28, Ltd., et al.,
Plaintiffs-Respondents-Appellants,

-against-

Citigroup Global Markets Inc., et al., M-2994
Defendants-Appellants-Respondents, Index No. 650212/12
Lacerta ABS CDO 2006-1, ltd., et al.,
Defendants.

-----X

Defendants-appellants-respondents 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 May 8, 2014 (Appeal No. 11886),

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 October 2, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Frederick B. Whittemore,
Plaintiff-Respondent,

-against-

M-3414
Index No. 600742/10

Edwin H. Yeo, III,
Defendant-Appellant,

Endurance Capital Management
Company, L.P., et al.,
Defendants.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 15, 2014 (Appeal No. 12500-12500A),

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 October 2, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

Asha E., Docket Nos. **M-3988**
V-41935/13
Petitioner-Respondent, V-49824/11
V-49824-11/12A
-against- V-13839-12/12A
V-49824-11/13B
Anthony J., V-13839-12/13B
V-13839/12
Respondent-Appellant.

-----X

A purported appeal having been taken from a temporary custody order of the Family Court, New York County, entered on or about July 30, 2014,

And respondent-appellant having moved for a stay of the aforesaid order and for other related relief,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Anthony J. DeCintio, Individually and
as Administrator of the Estate of Marie
DeCintio, Deceased, and Anthony Vincent
DeCintio,
Plaintiffs-Respondents,

-against-

M-4048
Index No. 20837/98

Robert Roe, M.D.,
Defendant-Appellant,

Lawrence Hospital, et al.,
Defendants.

-----X

An appeal having been taken by defendant-appellant Robert Roe, M.D., from an order of the Supreme Court, Bronx County, entered on or about August 5, 2004, and said appeal having been perfected,

And defendant-appellant Robert Roe, M.D. having moved to withdraw the aforesaid appeal,

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

It is ordered that the motion is granted and appeal is 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 October 2, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

The People of the State of New York
ex rel. Robert Hill,
Petitioner-Appellant,

M-4279

Index No. 400580/14

-against-

Warden: Antonio Cuin, Jr.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about May 19, 2014, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, 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 on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor. So much of the motion which seeks the assignment of counsel 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 October 2, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

Mariama A. Aziz,
Plaintiff-Appellant,

-against-

M-4251
Index No.23810/04

City of New York,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an order enlarging the time to perfect the appeals from an order of the Supreme Court, Bronx County, entered on or about October 23, 2013, and from an order of the same Court and Justice entered on or about February 14, 2014, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated to on or before December 8, 2014 for the February 2015 Term. Plaintiff-appellant is directed to perfect the consolidated appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 October 2, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of
The New York State Office of
Mental Health,
Petitioner-Appellant,

-against-

M-4098A
Index No. 530326/11

Joseph C.,
Respondent-Respondent,

For Subsequent Retention Pursuant
to Criminal Procedure Law § 330.20.

-----X

An order of a Justice of this Court having granted petitioner-appellant leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about July 24, 2014 (M-4098),

And petitioner having moved for a stay of the aforesaid order, 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 (See M-4098, 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 October 2, 2014.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Diane T. Renwick
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-2969
Ind. No. 6029/11

Joshua Muhammad,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about November 26, 2012,

And defendant having moved for leave to file a pro se supplemental brief with respect to the aforesaid appeal,

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

Ordered that the motion is denied, with leave to renew after perfection of the aforesaid appeal by assigned counsel.

ENTER:


CLERK

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

-----X
In the Matter of the Application of
THE NEW YORK STATE OFFICE OF
MENTAL HEALTH,

Petitioner,

M-4098

Index. No. 530326/11

-against-

Joseph C.,

Respondent,

For Subsequent Retention Pursuant to
Criminal Procedure Law 330.20
-----X

Petitioner having moved for leave to appeal to this Court
from the order of the Supreme Court, New York County, entered on
or about July 24, 2014,

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.


Associate Justice

Dated: September 17, 2014
New York, New York

ENTERED: **OCT 2 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 October 2, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias
David B. Saxe, Justices.

-----X
The People of the State of New York
ex rel. Andre A. Johnson,
Petitioner-Appellant,

M-2973
Index No. 400858/13

-against-

Stephen Wettenstein, Warden, B.K.D.C.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about June 20, 2013, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is denied, with leave to renew, upon petitioner's submission of an affidavit setting forth the merits of the aforesaid appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-3058
Ind. No. 199/11

Renato Seabra,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 21, 2012, and for leave to prosecute the appeal as a poor person, and for leave to have the appeal heard on the original record and typewritten briefs, and related relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith. The time to perfect the appeal is enlarged to the January 2015 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 October 2, 2014.

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

-----X

Paul DeSimone,
Plaintiff-Appellant-Respondent,

Joann DeSimone,
Plaintiff,

-against-

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

M-3886
Index No. 22656/05

A.J. McNulty & Company, Inc.,
Defendant,

Hugh O'Kane Electric Co LLC,
Defendant-Respondent-Appellant.

[And a third-party action]

Index No. 85888/07

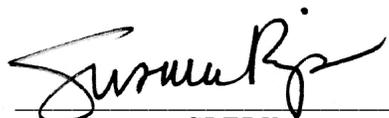
-----X

Defendant-respondent Danco Electrical Contractor having moved for reargument/modification of or clarification of the decision and order of this Court entered on July 3, 2014 (Appeal No. 12315),

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

It is ordered that the motion, to the extent it seeks clarification, is granted and the decision and order of this Court entered on July 3, 2014 (Appeal No. 12315) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 12315, decided simultaneously herewith.) 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 October 2, 2014.

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

-----x

Rock Church, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-3980
Index No. 651376/14

Daniel Iampaglia and "John Doe # 1
through John Doe #25",
Defendants-Respondents.

-----x

A purported appeal having been taken to this Court from an Order to Show Cause signed by a Justice of the Supreme Court, New York County, on or about July 3, 2014,

And plaintiff-appellant having moved, to stay the relief granted in the aforesaid Order to Show Cause, pending hearing and determination of the aforesaid purported appeal,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
City Brothers, Inc.,
Petitioner-Appellant,

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

M-4291
M-4418
Index No. 101324/13

-against-

Business Integrity Commission,
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about December 6, 2013,

And an order of this Court having been entered on March 18, 2014, granting a stay of enforcement of the aforesaid order, pending hearing and determination of the appeal taken therefrom on condition the appeal is perfected for the September 2014 Term (M-530),

And respondent having moved to vacate the aforesaid stay granted by an order of this Court entered on March 18, 2014 (M-530) [M-4291],

And petitioner-appellant having cross-moved for an enlargement of time to perfect the aforesaid appeal in compliance with the aforesaid order and for an extension of the aforesaid stay granted by an order of this Court entered on March 18, 2014 (M-530) [M-4418],

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

It is ordered that the motion is granted and the stay granted by an order of this Court entered on March 18, 2014 (M-530) is vacated [M-4291]. The cross-motion is denied accordingly [M-4418].

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 October 2, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Joy Feingenbaum,
Plaintiff-Appellant,

-against-

M-3726
Index No. 112324/10

Lawrence M. Mandel, et al.,
Defendants-Respondents.
-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about August 27, 2013 (mot. seq. no. 003),

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Steven M.,
Plaintiff-Respondent,

-against-

M-3935

M-3947

Index No. 350424/06

Olga M.,
Defendant-Appellant.

-----X

Defendant-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 July 8, 2014, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (M-3935),

And defendant-appellant having moved for the same relief from said order of the Supreme Court, and additionally for the assignment of counsel for purposes of prosecuting the aforesaid appeal (M-3947),

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

It is ordered that the motions are granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Defendant-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal,

with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor, and it is further ordered that Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (603) 313-1951, 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. (See M-4036, 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 October 2, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Steven M.,
Plaintiff-Respondent,

-against-

M-4036

Index No. 350424/06

Olga M.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 8, 2014,

And defendant-appellant mother, Olga Medwid, having moved on behalf of her son, Mark Medwid, for the assignment of counsel to respond to the aforesaid appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of (1) assigning Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No. (212) 818-9019, as counsel for defendant-appellant's son, Mark Medwid, for the purposes of responding to the appeal; (2) permitting movants to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for defendant-appellant and 8 copies thereof are filed with this Court, and is otherwise denied. (See M-3935/M-3947, 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 October 2, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
In re Joshua Kiess,
Petitioner-Respondent,

-against-

Raymond Kelly, etc.,
Respondents-Appellants.

M-3677
Index No. 110044/11

-----X

Petitioner-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 24, 2014 (Appeal No. 11726),

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 October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-2933
Ind. No. 4696N/11

Anelin Pereya, also known as Jorge
Pereya,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 16, 2013, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to pay trial counsels fees for representation by Gloria Keum Esq. and Dawn Florio, Esq., in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Presiding Justice,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-3445
Ind. No. 3606/10

Roger Reid,
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 (Cassandra Mullen, J.) entered on or about June 19, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

The time in which to perfect the appeal is enlarged to the February 2015 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 October 2, 2014.

Present: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of
Gladys Quinones,
Petitioner,

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

M-3487
Index No. 400415/14

-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 June 16, 2014, to review a determination of respondent,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner'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 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 files 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
People of the State of New York
ex rel. Anthony Williams,
Petitioner-Appellant

-against-

M-3488
Index No. 340196/14

Warden, New York City Department
of Corrections,
Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about April 2, 2014, 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 granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 9 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. [The Clerk of Supreme Court, Bronx County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith and otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
People of the State of New York
ex rel. Jervon Bates, also known as
Jermen Bates,
Petitioner-Appellant,

-against-

New York State Division of Parole,
Respondent.

M-3489
Index No. 340805/13

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about December 4, 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 the motion is denied, with leave to renew, upon submission of a timely notice of appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X

Dawn Bortman,
Plaintiff-Respondent,

-against-

M-3552
Index No. 652924/13

Henry Lucander,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 2, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant or appellant's counsel if any, the cost thereof to be charged against the City of New York from funds available therefor.

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 October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

Cedric Partee,
Petitioner-Appellant,

For a Writ of Mandamus,

-against-

Barry Clarke, etc.,
Respondent-Respondent.

-----X

M-3272

Index No. 400002/14

Petitioner having purported to appeal from the judgment of the Supreme Court, New York County, entered on or about February 28, 2014, and having moved for leave to prosecute the purported appeal as a poor person, upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is denied, with leave to renew, upon submission of a timely filed notice of appeal from the aforesaid order entered on or about February 22, 2014.

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 October 2, 2014.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3369
Ind. No. 2177/12

Andre A. Johnson,

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 September 3, 2013, having moved for leave to file a pro se supplemental brief,

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

It is ordered that the motion is denied, without prejudice to renewal, after the appeal has been perfected.

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 October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
The City of New York,
Plaintiff-Appellant,

-against-

Abdo M. Hassan, et al.,
Defendants-Respondents.

M-3412
Index No. 450631/13

-----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 September 13, 2013 (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 February 2015 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 October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-3419
Ind. No. 5502/11

Sean Hill,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered February 19, 2013,

And defendant-appellant having moved to unseal certain minutes of proceeding held in Supreme Court, New York County, in connection with this matter,

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

It is ordered that the motion is denied.

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 October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
David Friedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Ruo Mei Cai,
Plaintiff-Respondent,

-against-

M-3550
Index No. 309888/09

Victor Fai Lau,
Defendant-Appellant.

-----X

Defendant-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 June 30, 2014, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied, with leave to renew, upon submission of an affidavit stating the value of defendant's checking account and automobile.

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 October 2, 2014.

PRESENT - Hon: Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Marco Battistella,
Plaintiff-Appellant,

-against-

M-3551
Index No. 310389/10

Marnie Ann Joyce,
Defendant-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 19, 2013,

And plaintiff-appellant having moved for an order to "retroactively vacate" (1) three Temporary Orders of Support, entered on or about June 4, 2010, July 28, 2010 and August 20, 2010; (2) a Trial Decision and Order entered on or about September 19, 2013, and; (3) a Judgment of Divorce entered on or about May 13, 2014, respectively,

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

It is ordered that the motion is denied in its entirety.

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 October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-3644
Ind. No. 1687/13

Muamar Nashal,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 11, 2014 (M-651), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 7, 2014, and assigning Scott A. Rosenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

P.M ORDERS
FOR
OCTOBER 02,
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 October 2, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----x

Estate of Gertrudo R. Realuyo and Roa
Realuyo Family Foundation,
Plaintiffs-Appellants,

-against-

M-3543
Index No. 157692/13

Amelia R. Realuyo, et al.,
Defendants-Respondents,

-and-

JP Morgan Chase Bank and Citibank, N.A.,
Defendants.

-----x

An order of this Court having been entered on April 10, 2014 (M-785) granting defendants-respondents motion for a preference in the hearing of the appeal to the extent of directing the Clerk of this Court to maintain the aforesaid appeal on the calendar for the September 2014 Term and dismissing same unless perfected for said Term,

And defendants-respondents having moved to dismiss the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 11, 2014, for failure to timely perfect,

Now, upon reading and filing the papers with respect to the motion and the aforesaid order of this Court entered on April 10, 2014 (M-785), and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2014.

Present - Hon. Luis A. Gonzalez, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----x
Deidre Holmes Clark,

Plaintiff-Appellant,

-against-

M-4172
Index No. 106717/11

Allen & Overy LLP,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 28, 2014 (mot. seq. no. 003),

And plaintiff-appellant having moved, pursuant to CPLR 5519, for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected on or before November 10, 2014 for the January 2015 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 October 2, 2014.

Present - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Leonard Gartner,
Plaintiff-Appellant,

-against-

M-4102
Index No. 150609/11

Cardio Ventures, LLC, et al.,
Defendants-Respondents.
-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about October 30, 2013 (mot. seq. nos. 005-007), and said appeal having been perfected,

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

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

It is ordered that the motion is granted to the extent of continuing the interim stay of trial and pre-trial proceedings granted by the order of a Justice of this Court dated August 14, 2014, pending hearing and determination of the appeal.

ENTER:



CLERK