

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 30, 2014.

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

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

-against-

M-4624
Ind. No. 90/11

Anderson Vasquez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 10, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated September 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 30, 2014.

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

-----X
John Judge,
Plaintiff,

-against-

M-4650X
Index No. 150573/11

Dajin Realty Inc., et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 19, 2014 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 15, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 30, 2014.

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

-----X
Mario Reinoso and Monica Leon Reinoso,
Plaintiffs-Respondents,

-against-

M-4166
Index No. 302265/11

J & C Gas & Auto Repair Inc. and
Leemilt's Petroleum, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 29, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated August 12, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

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

-----X

Ester Baruch and Neyre Baruch,
Plaintiffs-Respondents,

-against-

M-4229
Index No. 190372/12

Baxter Healthcare Corporation,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 5, 2014 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated August 21, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

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

-----X
Delores Person,
Plaintiff-Appellant,

-against-

New York City Housing Authority,
Defendant-Respondent.
-----X

M-4623
Index No. 21171/12

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 13, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated September 8, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

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

-----X
EIC Associates, Inc., Individually
and on behalf of all other trust
beneficiaries,
Plaintiff-Appellant,

-against-

M-4602
Index No. 652308/11

Nacirema Environmental Services
Company, Inc., et al.,
Defendants,

International Fidelity Insurance Company,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 27, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated April 23, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

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

-----X
Richard Fattorusso,
Plaintiff-Respondent,

-against-

B. Bros. Broadway Realty, LLC,
Defendant-Appellant.
-----X

M-4603
Index No. 105848/11

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 20, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated August 13, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

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

-----X
Tancia Brown,
Plaintiff-Respondent,

-against-

M-4640
Index No. 304789/08

Brink Elevator Corporation, doing
business as Herk Elevator Co., Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 22, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated September 12, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

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

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

-against-

M-2623A
Ind. No. 1913/11

Sammy Sampson,
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 March 28, 2014, 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) one transcript 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, 120 Wall Street, 28th 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. The order of this Court entered on August 14, 2014 (M-2623) 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 October 30, 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

Nyheem E.,
Royalty D.,
and Recco D.,

M-3690
Docket Nos. NA-50105/12
NA-50106/12
NA-50107/12

Children Under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act.

Commissioner of Social Services of the City of New York,
Petitioner-Respondent,

Jamila G.,
Respondent-Appellant.

Dawn O'Brien-Gans, Esq.,
Lawyers for Children,
Attorney for the Child Royalty D.,

Garline Octobre, Esq.,
Attorney for the Children Nyheem E.
and Recco D.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about January 16, 2014 and July 10, 2014, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, 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 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 30, 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/Visitation Under Article 4
of the Family Court Act.

Omar B., Petitioner-Respondent, **M-3999**
Docket No. V-567-06/10

-against-

Shantell E.,
Respondent-Appellant.

Hal Silverman, Esq.,
Attorney for the Child.

-----X

Respondent-appellant 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 January 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;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 30, 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 Family Offense
Proceeding Under Article 8 of the
Family Court Act.

M-4063

Docket No. O-30549/14

- - - - -
Lillian A.,
Petitioner-Respondent,

-against-

Nicholas G. A.,
Respondent-Appellant.

-----X

Respondent-appellant 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have

transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;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.** (See M-4615, decided simultaneously herewith.)

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 30, 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 Family Offense
Proceeding Under Article 8 of the
Family Court Act.

M-4615

Docket No. O-30549/14

Lillian A.,
Petitioner-Respondent,

-against-

Nicholas G. A.,
Respondent-Appellant.

-----X

Petitioner-respondent 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, Suite #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-4063, 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 30, 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., M-4616A
Petitioner-Appellant, 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, Veronica H. Mandel, Esq., 340 Ardsley Road, Suite 2-B, Scarsdale, NY 10583, (914) 723-6180, 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. The order of this Court entered on October 2, 2014 (M-4616) 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 October 30, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Miller Tabak + Co., LLC,
Plaintiff-Respondent,

-against-

Senetek PLC,
Defendant-Appellant.
-----X

M-3556
Index No. 651935/10

Plaintiff-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 17, 2014 (Appeal No. 11793),

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 30, 2014.

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

-----X
Yilli Josifi,
Plaintiff-Appellant,

-against-

Ping Lam Ng and Sui Kwai Ng,
Defendants-Respondents.

M-3859
M-3974
Index No. 105903/06

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about August 24, 2012 (M-3859),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal (M-3974),

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

It is ordered that the motion for an enlargement of time to perfect the appeal is denied (M-3859). The cross motion is granted and the appeal is dismissed (M-3974).

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 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
Richard T. Andrias
Leland G. DeGrasse
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Bessie Kennedy,
Petitioner-Appellant,

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

M-4841
Index No. 101097/13

-against-

The City of New York, New York City
Police Department,
Respondent-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 December 26, 2013, to review a determination of respondent,

And petitioner-appellant having moved for an enlargement of time to perfect the aforesaid proceeding,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the aforesaid proceeding to the March 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 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Leland G. DeGrasse
Darcel D. Clark, Justices.

-----X
Aaron Heating and Air Conditioning,
Inc., et al.,
Plaintiff-Respondent,

-against-

M-4489
Index No. 302331/11

AMCC Corp., Charles Marino and
Liberty Mutual Insurance Company,
Defendants-Appellants,

-and-

Franco Belli Plumbing and Heating
and Sons, Inc., et al.,
Defendants-Respondents,

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

-----X

Defendant-appellant AMCC Corp. having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about November 26, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 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 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Leland G. DeGrasse
Darcel D. Clark, Justices.

-----X
Marilyn Qing Yu Hopeman,
Plaintiff-Appellant,

-against-

Albert A. Hopeman, III,
Defendant-Respondent.

M-4824
M-4894
Index No. 313120/10

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 11, 2013 (M-4824),

And defendant-respondent having cross-moved for an order dismissing the aforesaid appeal (M-4894),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2015 Term (M-4824). The cross motion is granted to the extent of dismissing the appeal unless perfected for said March 2015 Term (M-4894).

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 30, 2014.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2804

Ind. No. 48933C/05

Jose Curet,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 25, 2012 (Appeal No. 8363), unanimously modifying the judgment of the Supreme Court, Bronx County (John W. Carter, J.), rendered on May 6, 2010,

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

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

It is ordered that said application 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 30, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

-----X
Camille Revilla,
Plaintiff-Appellant,

-against-

M-3734
Index No. 155404/12

The Hudson River Park Trust and
The City of New York,
Defendants-Respondents.

-----X
(And a Third-Party Action)
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 20, 2013,

And an order of this Court having been entered on July 17, 2014 (M-1199) having denied defendants-respondents motion to dismiss the aforesaid appeal, with leave to renew,

And defendants-respondents having renewed their motion for an order dismissing 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 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 30, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

-----X

In re The Port Authority of New York
and New Jersey,
Petitioner-Appellant,

-against-

M-3476
Index No. 450991/12

Local Union No. 3, etc.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 1, 2014 (Appeal No. 12365N),

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 30, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1459
Ind. No. 5559/09

Austin Cornelius, also known as
Austin A. Cornelius,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 22, 2011 (Appeal No. 6118), unanimously affirming a judgment of the Supreme Court, New York County (Ronald A. Zweibel, J.), rendered on June 10, 2010,

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

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Christine Gitelson,
Plaintiff-Appellant,

-against-

M-3945
Index No. 101055/09

Mary L. Quinn,
Defendant-Respondent.

-----X

Defendant-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 3, 2014 (Appeal No. 10773),

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

It is order that the motion to the extent it seeks reargument is denied,

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

"Was the order of this Court, which reversed the order of the Supreme Court, properly made?"

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

Present: Hon. Peter Tom, Justice Presiding
Diane T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
Greenwich Insurance Company, as
subrogee of Teams Management, LLC
and Novita, LLC,
Plaintiffs-Respondents,

Action No. 1
M-4678
Index No. 111303/09

-against-

M&R Hotel 343 West LLC, et al.,
Defendants,

Tritel Construction Company and
Urban Foundation Engineering LLC,
Defendants-Appellants.

-----X
Novita LLC and Teams Management LLC
Plaintiffs-Respondents,

Action No. 2
M-4679
Index No. 603329/09

-against-

M&R Hotel Times Square LLC, et al.,
Defendants-Respondents,

and

Tritel Construction Company and Urban
Foundation Engineering LLC,
Defendants-Appellants.

-----X

An appeal having been taken by defendants-appellants in Action No. 1 [Index No. 111303/09] from an order of the Supreme Court, New York County, entered on or about October 23, 2013,

And an appeal having been taken by defendants-appellants in Action No. 2 [Index No. 603329/09] from an order of the Supreme Court, New York County, entered on or about October 23, 2013,

And defendants-appellants in each action having moved by separate motions for an order consolidating the aforesaid appeals, and for an enlargement of time to perfect same,

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 and the aforesaid appeals are consolidated to the extent of permitting defendants-appellants to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellants' points covering said consolidated appeals. Time to perfect consolidated appeals enlarged to the April 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 30, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Grace Perez,
Plaintiff-Respondent,

-against-

M-2708
Index No. 113383/07

Violence Intervention Program, et al.,
Defendants-Appellants.

-----X

Plaintiff-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 April 22, 2014 (Appeal No. 12289),

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 30, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Christopher Pannone,
Plaintiff-Appellant,

-against-

M-3378
Index No. 107932/04

Daniel P. Silberstein, Esq.,
Defendant-Respondent,

Edward G. Delli Paoli, Esq.,
Defendant.

-----X

Plaintiff-appellant 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. 11691),

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 30, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Johnson Devadas, et al.,

Plaintiffs-Respondents,

-against-

M-4505
Index No. 107637/07

Kevin Niksarli, M.D., et al.,

Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for clarification of the decision and order of this Court entered on September 4, 2014 (Appeal No. 11697),

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated October 1, 2014 from Todd J. Krouner, Esq., attorney for plaintiffs-respondents, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

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

-----X

James Gumbs, et al.,
Plaintiffs-Respondents,

-against-

M-3439
Index No. 303510/10

Flushing Town Center III, L.P.,
et al.,

Defendants-Appellants,

Advanced Ready Mix Corporation,
Defendant.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 25, 2014 (Appeal No. 11287),

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Darcel D. Clark, Justices.

-----X
Sylvia Varga,

Plaintiff-Respondent,

-against-

M-4684
Index No. 107184/10

North Realty Co., et al.,
Defendants-Appellants,

Love Club Inc., et al.,
Defendants.

-----X

Defendants-appellants having moved for a stay of trial, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 23, 2014, and said appeal having been perfected,

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

It is ordered that the motion is granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of
Lauren Major,
Petitioner,

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

M-2038
Index No. 401453/12

-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 21, 2014, to review a determination of respondent,

And respondent having moved to dismiss the aforesaid proceeding,

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

It is ordered that the motion is granted and the proceeding 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 30, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Karen L. Pruden, as Attorney-In-Fact
for Ericka K. Spinner, Incapacitated,
Plaintiff-Respondent,

-against-

M-4351
Index No. 310733/11

Jeffrey N. Bruce, M.D., et al.,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about May 31, 2013,

And defendants-appellants having jointly moved for an enlargement of time to perfect their respective 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, on consent, to the extent of enlarging the time to perfect all of the aforesaid appeals to the March 2015 Term. The Clerk is directed to calendar the appeals for hearing together during said 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 30, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Pilar T. Uribe,
Plaintiff,

-against-

New York City Transit Authority,
Respondent.
-----X

M-4196
Index No. 570143/14

Plaintiff having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 7, 2014, and for poor person 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 30, 2014.

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

-----X
Ursulina Reyes,
Plaintiff-Respondent,

-against-

M-3334
Index No. 23310/00

Jose R. Sanchez-Pena, M.D., et al.,
Defendants-Appellants,

Jose R. Sanchez-Pena, M.D., P.C.,
et al.,
Defendants.

-----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 May 27, 2014 (Appeal No. 12575),

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 30, 2014.

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

-----X

In the Matter of the Application of
Isaiah Jenkins and Edward Jenkins
(a minor),
Petitioners,

M-4085
Index No. 401039/13

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

-against-

New York City Housing Authority,
Amsterdam Houses,
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 April 16, 2014, to review a determination of respondent,

And petitioners having moved for leave to prosecute the proceeding as poor persons, upon the original record and reproduced petitioners' 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 petitioners' brief, on condition that petitioners serve one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioners are 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 30, 2014.

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

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

M-3978

-against- Ind. No. 4204/11

Angellove Vasquez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 23, 2012,

And defendant having moved for an order unsealing and enlarging the record on appeal to include the minutes of a certain hearing conducted pursuant to *People v Darden*, 32 NY2d 177[1974] and related documents in the above-captioned appeal, and vacating any protective orders precluding appellate counsel's access to the above *Darden-related* minutes and documents under New York County Indictment No. 4204/11,

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 of this Court, and directing the People to file forthwith the subject minutes, if available, under seal for in camera review by this Court without prejudice to counsel's right to raise this issue, if so advised, in the appellate brief, and otherwise denied.

ENTER:



CLERK

CORRECTED ORDER - April 3, 2015

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 30, 2014.

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

-----X
In the Matter of the Application of
Carlton Walker,
Petitioner-Appellant,

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

M-3819
Index No. 401273/13

-against-

New York State Commission on Judicial
Conduct, et al.,
Respondents-Respondents.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about January 23, 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 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 respondents and files 8 copies of such brief, together with the original record, with this Court. Petitioner-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 October 30, 2014.

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

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

-against-

M-4011
Ind. No. 348N/14

Alberto Caba Guzman,
Defendant-Appellant.

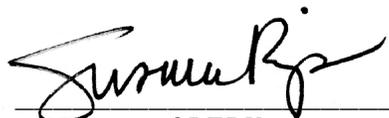
-----X

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 April 30, 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 to the extent of deeming the moving papers a timely filed 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 30, 2014.

PRESENT - Hon: Dianne T. Renwick, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
In the Matter of

Community Related Services, Inc.,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR

-against-

M-4400
Index No. 113740/09

New York State Department of Health,
The Office of the Medicaid Inspector
General,
Respondents-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 16, 2014,

And petitioner-respondent having moved for an order vacating the stay afforded the respondents-appellants pursuant to CPLR 5519(a), or in the alternative for an expedited 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 to the extent it seeks to vacate the State respondent-appellants' CPLR 5519(a) stay is denied, said stay remaining extant on condition the appeal is perfected on or before December 8, 2014 for the February 2015 Term. Upon failure to so perfect petitioner-respondent may move on notice to vacate the aforesaid CPLR 5519(a) stay.

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 30, 2014.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2800
Ind. No. 3097/09

Andre A. Velez, also known as
Andre Velez,

Defendant.

-----X

An order of this Court having been entered on September 10, 2013 (M-3366) denying defendant an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on October 20, 2011,

And defendant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of counsel, and for the aforesaid order (M-3366) to be recalled and vacated, and for related relief,

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

It is ordered that said application is denied 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 30, 2014.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Theatre District Realty Corp.,
Plaintiff-Respondent,

-against-

M-3080
Index No. 653614/12

Ilana Appleby,
Defendant-Appellant.

-----X

Plaintiff-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 May 22, 2014 (Appeal No. 12553),

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 30, 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 for
the Guardianship and Custody of

Kaila Darylanne B.,

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

Darryl W.,
Respondent-Appellant,

M-3257
Docket No. B-4848/12

Forestdale, Inc.,
Petitioner-Respondent.

Seymour James, Esq.,
The Legal Aid Society,
Attorney for the Child.

-----X
Petitioner-respondent having moved for dismissal of the purported appeal taken from the order of the Family Court, Bronx County, entered on or about September 5, 2013, for failure to timely prosecute,

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 30, 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-2801
Ind. No. 848/07

John Vega,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 29, 2009 (Appeal No. 1884), unanimously affirming a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on January 5, 2009,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-4299
Ind. No. 12131/1991

-against-

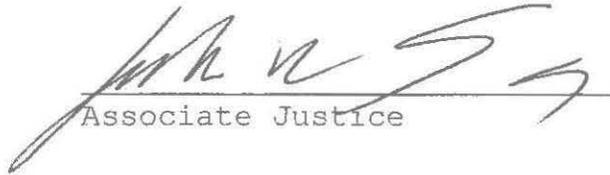
CERTIFICATE
DENYING LEAVE

Isidoro Medina-Deleon,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about May 23, 2013 (Marcy L. Kahn, J.) is hereby denied. Defendant's motion for leave to appeal as a poor person is denied as academic.


Associate Justice

Dated: October 16, 2014
New York, New York

ENTERED: **OCT 30 2014**

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

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

Respondent,

-against-

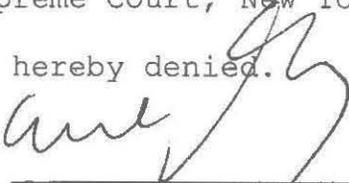
Harry Morales,

Defendant-Appellant.
-----X

M-4503
Ind. No. 280/1997

CERTIFICATE
DENYING LEAVE

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, §§ 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 6, 2014 is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated: October 14, 2014
New York, New York

ENTERED: **OCT 30 2014**

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-4297
Ind. No. 10366/94

-against-

CERTIFICATE
DENYING LEAVE

Darryl Holmes,
Defendant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order dated April 29, 2014, of the Supreme Court, New York County (Edward J. McLaughlin, J.), is hereby denied.



Associate Justice

Dated: October 9, 2014
New York, New York

ENTERED: 

P.M ORDERS
FOR
OCTOBER 30,
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 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Barbara R. Kapnick, Justices.

-----X
Sedina Levin,
Plaintiff-Appellant,

-against-

M-4170
Index No. 400309/10

New York City Health and Hospitals
Corporation, (Harlem Hospital Center),
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 24, 2014 (Appeal Nos. 12714 & 12715),

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 30, 2014.

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

-----X

In re Anthony J. Russo,
Petitioner-Appellant,

-against-

M-4350
Index No. 103000/12

New York City Department of Education,
Respondent-Respondent.

-----X

Respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 3, 2014 (Appeal No. 12032),

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

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

"Was the order of this Court, which modified the order of the Supreme Court to deny respondent's cross motion and grant the petition to the extent of remanding to respondent for imposition of a lesser penalty and otherwise affirmed, properly made?"

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2014.

PRESENT: Hon: David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Nancy Moynihan,

Petitioner-Respondent,

-against-

M-4688

Index Nos. 108757/10

New York City Health and Hospitals Corporation,

Respondent-Appellant,

The City of New York,

Respondent.

-----X

Petitioner-respondent having moved for vacatur of the decision and order of this Court entered on September 4, 2014 (Appeal No. 8341N)

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated June 26, 2014, 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 in the County of New York on October 30, 2014.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of
Robin Watson,
Petitioner-Appellant,

M-4832

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

M-4981

Index No. 400382/13

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 20, 2013,

And an order of a Justice of this Court having been entered on January 29, 2014, staying eviction on certain conditions,

And an order of this Court having been entered on February 27, 2014 (M-469), granting petitioner-appellant a stay of eviction to the extent of continuing the aforesaid stay of eviction granted by the aforesaid order of a Justice of this Court, dated January 29, 2014, pending hearing and determination of the aforesaid appeal, on condition the appeal was perfected for the September 2014 Term,

And an order of this Court having been entered on July 17, 2014 (M-3091), granting continuation of the stay of eviction, on condition the aforesaid appeal is perfected for the December 2014 Term of this Court, and otherwise denying said motion,

And petitioner-appellant having moved to continue the previously granted stay of eviction, for poor person relief, and to enlarge the time to perfect the aforesaid appeal, and for related relief (M-4832),

And respondent-respondent having cross-moved to dismiss the aforesaid appeal (M-4981),

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 granting petitioner leave to prosecute the aforesaid appeal as a poor person, upon an original record and 8 copies of a reproduced appellant's brief, enlarging the time to perfect said appeal to the April 2015 Term, and continuing the aforesaid stay of eviction pending hearing and determination of the appeal, on condition said appeal is perfected for said April 2015 Term (M-4832). The cross motion is granted unless said appeal is perfected on or before February 2, 2015 for said April 2015 Term (M-4981).

ENTER:



CLERK