

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 September 18, 2014.

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

-----X  
The People of the State of New York,  
ex rel. Michelle Fox, on behalf of  
Freddy Brown,  
Petitioner-Appellant,

-against-

Dora Schriro, etc.,  
Respondent-Respondent.  
-----X

M-29  
Index No. 402148/13

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 30, 2013,

And petitioner-appellant having moved for an order granting him his release on his own recognizance or bail, pending hearing and determination of the appeal, and other relief,

Now, upon reading and filing the stipulation of the parties hereto, dated January 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 18, 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

Christian T.,  
Plaintiff-Respondent,

-against-

M-2828  
Docket No. V-31742/12B

Yelitza G.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about December 17, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated May 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 18, 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

Emperor V.,

A Child Under the Age of 18 Years  
Alleged to be Neglected

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

M-2829  
Docket No. NN 14875/12

J. Pearlinda V.,  
Respondent-Appellant,

Seymour W. James, Jr., Esq.,  
Attorney for the Child.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about August 8, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated May 22, 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 September 18, 2014.

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

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

-against-

M-2048  
Ind. No. 554/10

Shawn Nelson,  
Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 4, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated April 28, 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 September 18, 2014.

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

-----X  
Patricia Thomas and Melvin Thomas,  
Plaintiffs-Appellants-Respondents,

-against-

M-3702X  
Index No. 310422/10

Stellar Undercliff LLC, et al.,  
Defendants-Respondents-Appellants.  
-----X

An appeal and cross-appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about February 10, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 23, 2014, and due deliberation having been had thereon,

It is ordered that the appeal and cross-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 September 18, 2014.

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

-----X  
Americas Products and Distribution,  
Inc., formerly known as Oldcastle  
Building Products, Inc.,  
Plaintiff-Appellant,

-against-

M-1829  
Index No. 651324/12

Citicorp Mezzanine Partners, L.P.,  
et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 29, 2013 (mot. seq. no. 002),

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

Now, upon reading and filing the correspondence from Milbank, Tweed, Hadley & McColoy, LLP, (Daniel M. Perry, of Counsel), dated April 23, 2014, and due deliberation having been had thereon,

It is ordered that the motion is 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 September 18, 2014.

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

-----X

Joy Jeffrey, et al.,  
Plaintiffs-Appellants,

-against-

M-2154  
Index No. 303789/11

Diana DeJesus, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, leave to appeal to the Court of Appeals the decision and order of this Court entered April 17, 2014 (Appeal No. 12253)

Now, upon reading and filing the correspondence of Robert I. Gruber, Esq., dated June 12, 2014, and due deliberation having been had thereon,

It is ordered that the motion is 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 September 18, 2014.

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

-----X  
MetroPCS New York, LLC,  
Plaintiff,

-against-

City University of New York,  
Defendant.

M-2652  
Index No. 154829/14

-----X

Plaintiff having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about May 16, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated May 27, 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 September 18, 2014.

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

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

-against-

M-2342  
Ind. No. 1489/13

Shawn Duncan,  
Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 14, 2013,

And defendant having moved for an extension of time to file a notice of appeal,

Now, upon reading and filing the papers with respect to the motion and the correspondence from defendant dated May 14, 2014, and due deliberation having been had thereon,

It is ordered that the motion is 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 September 18, 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-

Franklin Garcia,  
Defendant-Appellant.

M-2387  
Ind. Nos. 2544N/13  
1363N/13

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 23, 2013,

And an order of this Court having been entered on January 9, 2014 (M-6030), granting defendant leave to prosecute said appeal as a poor person, and assigning Richard M. Greenberg, Esq., as counsel for purposes of the appeal,

And defendant having moved for leave to prosecute the aforesaid appeal, pro se, and related relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from defendants-appellants dated May 18, 2014, and due deliberation having been had thereon,

It is ordered that the motion is 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 September 18, 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 Catholic Guardian Society and Home Bureau for the Custody and Guardianship of

Clarence P.M. and Sebastian DeSean M., M-3015  
Docket No. B-14449-50/11  
Children Under 18 Years of Age  
Pursuant to the Provisions of §384-b  
of the Social Services Law of the  
State of New York.

Clarenece M., Sr.,  
Appellant.

-----X

Petitioner-respondent agency having moved for dismissal of the appeal taken from an order of the Family Court, Bronx County, entered on or about September 25, 2013,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Frederick J. MaGovern, Esq., dated June 18, 2014, 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 September 18, 2014.

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

-----X  
Julie Conason, et al.,  
Plaintiffs-Respondents,

-against-

M-113  
Index No. 106560/11

Megan Holding, LLC and Emmanuel Ku,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 22, 2013 (mot. seq. no. 007),

And defendants-appellants having moved for an order enlarging the time to perfect the appeal, and for relief related to a stay granted by an order of this Court, entered January 10, 2013 (M-5742), and for other relief,

Now, upon reading and filing the stipulation of the parties hereto, dated January 17, 2014, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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

Jonias S.-L.,  
Appellant,

John Paul L., M-2865  
Petitioner-Respondent, Docket No. V-42879/10

Cindy S.,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about April 30, 2013,

And petitioner having moved for an order dismissing said appeal,

Now, upon reading and filing the stipulations of the parties hereto, dated June 10, 2014, and due deliberation having been had thereon,

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

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 September 18, 2014.

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

-----X  
Scottsdale Insurance Company,  
Plaintiff-Respondent,

-against-

M-2035  
Index No. 117118/08

Shaira Construction Corp.,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 1, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated April 18, 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 September 18, 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

Jared S.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-360  
Docket No. D-17404/13

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeals from orders of the Family Court, Bronx County, both entered on or about January 6, 2014, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 Northern Broadway, Suite #410, Jericho, NY 11753, Telephone No. 516-942-4221, as counsel for purposes of prosecuting the appeals; (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 State of New York from funds available therefor;<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect the appeal in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

---

<sup>1</sup>Service of appellant's brief upon respondent 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 September 18, 2014.

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

-----X  
In the Matter of the Commitment of  
Guardianship and Custody of

Nina M.,

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

-----  
New York City Administration for  
Children's Services,  
Respondent-Respondent,

M-630  
Docket Nos. B-28222/11  
A-8687/12

Naquwan T.,  
Movant-Appellant.

-----  
Andrew Rossmer, Esq.,  
Attorney for the Child.

-----X  
Movant-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 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

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

ENTER:



---

CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-2780  
Ind. No. 5014/10

Mohammed Khan,  
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 (Goldberg, J.) entered on or about May 22, 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 Goldberg as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

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

-against-

M-2867  
Ind. No. 2106/12

Marcial Colon,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Troy K. Webber, J.), entered on or about April 23, 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) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Webber as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-2868  
Ind. No. 2173/09

Francisco Sostenes,  
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 (Roger S. Hayes, J.), entered on or about April 4, 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) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Hayes as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

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

-against-

M-2884  
Ind. No. 3487/07

Laron Jackson,  
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 (Eduardo Padro, J.), entered on or about December 10, 2013, 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) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Padro as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

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

-against-

M-2947  
Ind. No. 6001/09

Timothy Coleman,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on May 6, 2014 (Appeal No. 12386-12387),

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 September 18, 2014.

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

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

Bianca J.,  
Petitioner-Respondent,

M-2173  
Docket No. F-4749-10/13E

-against

Dwayne C. 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 January 7, 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

It is ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that respondent has no funds or assets in which to prosecuting the appeal, including (1) proof of respondent's salary; (2) respondent's Federal income tax returns for 2012 and 2013; (3) a statement of additional income not reflected in the aforesaid tax returns; and an explanation why similar funds are not available to prosecute the 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 September 18, 2014.

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

-----X  
Verizon New York, Inc.,  
Plaintiff-Respondent,

-against-

M-3520  
Index No. 113914/08

Tully Construction Co., Inc.,  
Defendant-Appellant.  
-----X  
(And a third-party action)  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 21, 2013 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Louis A. Carotenuto, Esq., dated June 24, 2104, 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 September 18, 2014.

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

-----X  
Carlayne Sims,  
Petitioner,

-against-

M-2742

The United State of America  
Governing Body and John and Jane  
Does of North General Hospital,  
et al.,  
Respondents.

-----X

An order of this Court having been entered on April 29, 2014 (M-873) denying petitioner CPLR 5704(a) relief,

And petitioner having moved for an order granting reconsideration of, or in the alternative, leave to appeal to the Court of Appeals, and other relief,

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

It is ordered that the motion is denied 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 September 18, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Judith J. Gische  
Darcel D. Clark, Justices.

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

-against-

M-2266  
Ind. No. 5096N/04

Carlos Diaz, also known as Carlos  
Victor-Sanchez,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 23, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 reproduced 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, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

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

Respondent,

-against-

M-2260  
Ind. No. 9659/99

Theodore Ballard,

Defendant-Appellant.  
-----x

Assigned counsel for defendant-appellant having moved for dismissal of the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 1, 2009,

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 September 18, 2014.

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

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

-against-

M-2511  
Ind. No. 123/11

John Walden,  
Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about May 17, 2011, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

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

Respondent,

-against-

M-2605  
Ind. No. 667/12

Irving Ayala, also known as Hirving Ayala,

Defendant-Appellant.

-----X

Defendant having moved for an extension of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 20, 2014, and for leave to prosecute the appeal as a poor person, 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 deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

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

Respondent,

-against-

M-2612  
Ind. No. 4060/13

Mark Gonzalez,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 8, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, James Kousouros, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2618

Ind. No. 349/12

Denarious Jenkins,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$20,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 18, 2014.

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

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

-against-

M-2641  
Ind. No. 1586/10

John Hook,  
Defendant-Appellant.

-----X

Defendant-appellant and assigned counsel Leonard J. Levenson, Esq., having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 26, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 10 reproduced 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.

Leonard J. Levenson, Esq., 225 Broadway, Suite 1804, New York, NY 10007, Telephone No. (212) 732-0522, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

M-2732  
Ind. No. 4826/10

Antonio Barnaby, Wynne Burgos and  
Pierre Appolon,  
Defendants-Appellants.

-----x

Appeals having been taken to this Court from judgments of the Supreme Court, New York County, entered on or about June 7, 2011 (Antonio Barnaby, Cal. No. 450), June 9, 2011 (Wynne Burgos, Cal. No. 1757) and June 16, 2011 (Pierre Appolon, Cal. No. 1659), respectively, and said appeals having been perfected,

And respondent People having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting the People to respond to the appeals upon 9 copies of one set of respondent's points covering the appeals, which the Clerk is directed to maintain the appeals for hearing during the October 2014 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-3183  
Ind. No. 5908/97

Alfatah Stewart, also known as  
Al-Fatah Stewart,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 15, 2013 (M-3493), denying defendant-appellant's motion for reargument of the decision and order of this Court entered on June 25, 2012 (Appeal Nos. 1449 & 1449A),

And defendant-appellant, pro se, having moved for reargument/reconsideration of the aforesaid decision and order of this Court entered on June 25, 2012 (Appeal Nos. 1449 & 1449A),

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 September 18, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
David B. Saxe  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Latisha A. Gibbs, et al.,  
Plaintiffs,

Janes E. Jackson,  
Plaintiff-Respondent,

-against-

M-2158  
Index No. 17945/06

The New York City Transit Authority,  
Defendant-Appellant,

The Manhattan and Bronx Surface Transit  
Operating Authority, et al.,  
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about July 17, 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 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 September 18, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
David B. Saxe  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
The People of the State of New York  
ex rel. Nathan F. Marshall,  
Petitioner-Appellant,

-against-

M-2382  
Index No. 400386/14

Antonio Coin, Warden, MDC,  
Respondent.  
-----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 April 4, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for assignment of counsel for purposes of prosecuting the 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 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. The motion is otherwise denied to the extent petitioner seeks assignment of appellant counsel.

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 September 18, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
David B. Saxe  
Paul G. Feinman  
Judith J. Gische, Justices.

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

Respondent,

-against-

Victor Delgado,

M-2543  
Ind. No. 2403/12  
Case No. 38351C/12

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, Bronx County, rendered on or about February 18, 2014, for leave to prosecute the 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 granted to the extent of deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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.

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----x  
US Bank National Association, as  
Trustee for Bear Stearns Asset Backed  
Securities, 2006-AC1,  
Plaintiff-Appellant,

-against-

Jorge Louis Rodriguez, also known as  
Jorge Louis Rodriguez,  
Defendant-Respondent,

M-2755  
Index No. 380504/11

-and-

Bronx Supreme Court, Criminal Court  
of New York City, etc., et al.,  
Defendants.

-----x  
Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 23, 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 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 September 18, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----x  
William Dugan, et al.,

Plaintiffs-Respondents,

-against-

M-2712

Index No. 603468/09

London Terrace Gardens, L.P.,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 10, 2013 (mot. seq. no. 004),

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 September 18, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

Town Residential LLC,

Plaintiff-Respondent,

-against-

M-4189

Index No. 651936/14

Nicole Oge, et al.,

Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 18, 2014,

And defendants-appellants having moved for relief in the nature of a preliminary appellate injunction pursuant to CPLR 5518 vacating or staying so much of the order appealed as enjoined defendant-appellant Nicole Oge from working for Douglas Eilliman, LLC in Manhattan, 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 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 September 18, 2014.

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

-----X  
Uptown Healthcare Management Inc.,  
doing business as East Tremont Medical  
Center, et al.,  
Plaintiffs-Appellants,

-against-

M-3081  
Index No. 306322/11

Allstate Insurance Company,  
Defendant,

Robert P. Macchia, et al.,  
Defendants-Respondents.

-----X  
Plaintiffs-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 May 15, 2014 (Appeal No. 12497),

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 September 18, 2014.

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

-----X

Armani Williams, an Infant by his  
Mother and Natural Guardian,  
Tamiko Gordon, et al.,  
Plaintiff-Appellants,

-against-

M-3137  
Index No. 23244/12E

Karen Robinson, et al.,  
Defendants,

1815 Morris Realty Corp.,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 15, 2014 (Appeal No. 12507N),

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

It is ordered that the motion is denied, and the interim relief granted by a Justice of this Court on June 16, 2014 is vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X

Elvis Bisram,  
Plaintiff-Respondent,

-against-

M-2539  
Index No. 304678/11

Long Island Jewish Hospital, 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 April 8, 2014 (Appeal No. 12150),

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 September 18, 2014.

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

-----X  
Kishon Graham,  
Plaintiff-Appellant,

-against-

M-1594  
Index No. 309236/11

Alfredo Paulus, Jr.,  
Defendant-Respondents.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 4, 2013,

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

It is ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

-----X  
Swift Funding, LLC,  
Plaintiff-Respondent,

-against-

M-2207  
Index No. 155770/12

Peter Sim, Esq., Individually  
also known as Sang J. Sim, Esq.,  
Andrew Park, Esq., Individually,  
Defendants-Appellants,

Yousef Isacc also known as  
Yousef Isaac,  
Defendant.

-----  
(And another action)

-----X

Defendant-appellant Sang J. Sim, Esq., pro se, having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 5, 2013,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-2653  
Ind. No. 2346/12

Anonymous,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about March 13, 2013, designating the case as *People v Anonymous*, and sealing the record on appeal, including the minutes of the proceedings and the appellate briefs and motions, and 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 granted to the extent that the record on appeal and brief are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

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 September 18, 2014.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-2637  
Ind. No. 6512/90

Orosman Delsol,

Defendant-Appellant.

-----X

Defendant, both pro se and through retained counsel, 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 July 18, 2013, 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, 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 serve one copy of such brief upon the District Attorney of said county and file 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.

Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

-----X  
Ricky White and Sha-King Jones,  
Plaintiffs-Appellants,

-against-

M-2835  
Index No. 151917/12

Juan J. Polanco-Reyes and Pedro  
Auto Corp.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 15, 2013,

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

It is ordered that the motion is denied, with leave to renew, upon proof of service to defendant-appellant Sha-King Jones, individually.

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 September 18, 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-2910  
Ind. No. 1000/12

Lataya N. Carter,  
Defendant-Appellant.

-----X

Defendant having renewed her motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 12, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 reproduced 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, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-

Raul J. Hernandez Rodriguez,  
Defendant-Appellant.

M-2913  
Ind. Nos. 4900N/12  
3459N/12

-----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 July 31, 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 notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to pay trial counsel's fee, and to post the \$100,000 cash bail 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 September 18, 2014.

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

-----X  
Joyce White,  
Petitioner-Appellant,

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

-against-

M-2956  
Index No. 400593/13

Phipps Affordable Housing Development  
Fund Corporation,  
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, 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 June 9, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time to perfect said appeal,

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 ten 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 said 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 September 18, 2014.

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

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

-against-

M-2889  
Ind. No. 663/11

James M. Livrieri,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 4, 2013, and for a continuation of the stay granted by an order of a Justice of this Court, dated October 30, 2013, and related relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2015 Term, and continuing the order granting bail and a stay of execution of sentence by an order of a Justice of this Court, dated October 30, 2013 on the same terms and conditions and on further condition that the appeal be perfected for the aforesaid 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 September 18, 2014.

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

-----x  
The People of the State of New York  
ex rel. Gregory Ferguson,

Petitioner-Appellant,

-against-

Dora Schriro, etc.,

Respondent-Respondent.  
-----x

M-2526  
M-2725  
Index No. 340676/13

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about January 21, 2014, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for the assignment of counsel (M-2526),

And petitioner-appellant having moved, by separate motion, for an order assigning the writ of habeas corpus transferred to the Bronx Supreme Court by the order of this Court dated April 15, 2014 [M-184] to another justice of the Bronx Supreme Court (M-2725),

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

It is ordered that said motions are denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

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

Respondent,

-against-

M-2890  
Ind. No. 56/11

Jimmy Delgado,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 17, 2013, 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, 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, 28<sup>th</sup> Floor, New York, New York 10005, 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 to the December 2014 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of

Nathan Mulcahy,  
A Child Under the Age of 18 Year of Age, M-2838  
Alleged to be Neglected by Docket No. NN-34052/12

Joy Harris,  
Respondent-Appellant.  
-----X

Respondent-appellant, pro se, 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 March 25, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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 ten 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 Family 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. Respondent-appellant is directed to perfect the appeal within 90 days of receiving the transcripts from the Family 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 September 18, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Judith J. Gische  
Darcel D. Clark, Justices.

-----X  
In re Judy Gilbert,  
Petitioner,

-against-

New York City Housing Authority,  
Respondent.

M-1931  
Index No. 403307/11

-----X

Petitioner Judy Gilbert, pro se, 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 17, 2014 (Appeal No. 12237),

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 September 18, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
In the Matter of the Application of  
Victoria Wofford,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-2139  
Index No. 101182/13

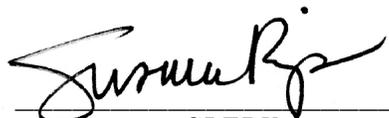
New York State Department of Corrections  
and Community Supervision,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment and order (one paper) of the Supreme Court, New York County, entered on or about January 28, 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 a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the terms of petitioner's retainer agreement with trial counsel, Thomas Puccio, Esq., the amount and sources of funds for trial counsel's fee, the sources of funds used to pay petitioner's current residence, 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 petitioner.)

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 September 18, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

M-2156  
Ind. No. 461/08

Bernard Gumbs, also known as Thomas  
Williams,  
Defendant-Appellant.

-----X

An order of this Court having been entered on November 12, 2013 (M-4897) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 9, 2013, and assigning Robert S. Dean, 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 Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

-----X  
Osqugama F. Swezey and Jose Duran, etc.,  
et al.,  
Petitioners-Respondents,

-against-

M-4192  
Index No. 155600/13

Merrill Lynch, Pierce, Fenner & Smith,  
Inc., et al.,  
Respondent,

-and-

Philippine National Bank, et al.,  
Intervenors-Appellants.

-----X

An appeal having been taken to this Court by the above-named intervenors-appellants from the order of the Supreme Court, New York County, entered on or about June 13, 2014 (mot. seq. no. 005),

And The United States of America having moved for leave to file a brief amicus curiae in connection with 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 amicus curiae briefs submitted with the moving papers are deemed filed.

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 September 18, 2014.

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

-----X  
Franco Belli Plumbing & Heating &  
Sons, Inc.,  
Plaintiff-Appellant-Respondent,

-against-

M-4238  
Index No. 107725/11

Citnalta Construction Corp., et al.,  
Defendants-Respondents-Appellants,

-and-

New York City School Construction  
Authority,  
Defendant.

-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 6, 2014, and said appeal having been perfected,

And The Associated General Contractors of NYS, LLC, Surety & Fidelity Association of America and General Contractors Association of New York, Inc. having jointly moved for leave to file a brief amici curiae in connection with the aforesaid appeal and cross 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 counsel for movants is directed to file 9 copies of the brief as amici curiae forthwith.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

-----X

Smile Train, Inc.,  
Plaintiff-Appellant,

-against-

M-3236  
Index No. 653381/11

Ferris Consulting Corp., et al.,  
Defendants-Respondents.

-----

Smile Train, Inc.,  
Plaintiff-Appellant,

-against-

Ferris Consulting Corp., et al.,  
Defendants.

-----

Brian Mullaney,  
Nonparty Respondent.

-----X

Plaintiff-appellant having moved for reargument/renewal of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 27, 2014 (Appeal No. 12589-12590N),

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 September 18, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-2562

Ind. No. 5351/10

Charles Brown, also known as Charlie Brown,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 19, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
Joseph Gelsi, et al.,  
Plaintiffs-Respondents,

-against-

M-2014  
Index No. 302293/10

RCA Asphalt, LLC,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 9, 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 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 September 18, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
Arthur Handler,  
Plaintiff,

**Action No. 1**

-against-

M-3358

Steven R. Lapidus and Iris R. Lapidus, Index No. 109702/01  
Defendants-Respondents,

-against-

1050 Tenants Corp.,  
Plaintiff-Appellant,

**Action No. 2**

Index No. 108653/05

-----X  
1050 Tenants Corp.,  
Plaintiff-Appellant,

-against-

Steven R. Lapidus and Iris R. Lapidus,  
Defendants-Respondents.

-----X

Defendant/plaintiff-appellant 1050 Tenants Corp. having moved for clarification of the decision and order of this Court entered on June 17, 2014 (Appeal Nos. 12811 & 12812N),

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 September 18, 2014.

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

-----X  
Eileen Bransten, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-2938  
Index No. 159160/12

The State of New York,  
Defendant-Appellant.

-----X

Defendant-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 May 6, 2014 (Appeal No. 11881),

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 September 18, 2014.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Darcel D. Clark, Justices.

-----X  
New Media Holding Company, LLC,  
Plaintiff-Respondent,

-against-

Konstantin Kagalovsky, et al.,  
Defendants-Appellants,

M-2152  
Index Nos. 603742/09  
650754/09

Aspida Ventures, Ltd., et al.,  
Defendants.

-----X  
Konstantin Kagalovsky, et al.,  
Counterclaim Plaintiffs-Appellants,

-against-

Vladimir Gusinski, et al.,  
Counterclaim Defendants-Respondents.

-----X  
New Media Distribution Company Ltd.,  
Plaintiff-Respondent,

-against-

Iota Ventures, LLP, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants Konstantin Kagalovsky and Iota Ventures, LLP 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 29, 2014 (Appeal No. 10240-10240A-10241),

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated August 22, 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 September 18, 2014.

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

-----X  
Errol McDonald,  
Plaintiff-Respondent-Appellant,

-against-

M-3198  
Index No. 150975/12

Edelman & Edelman, P.C., et al.,  
Defendants-Appellants-Respondents.  
-----X

Plaintiff-respondent-appellant having moved for reargument of the decision and order of this Court entered on June 19, 2014 (Appeal No. 11031),

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 September 18, 2014.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----x  
Tribeca Lending Corporation,  
Plaintiff-Respondent,

-against-

M-789  
Index No. 105275/07

Gregory M. Bartlett, formerly known  
as Gregory Hill,  
Defendant-Appellant,

NYS Department of Taxation & Finance,  
et al.,  
Defendants.

-----x

Defendant-appellant having moved, inter alia, for relief denied by a Justice of the Supreme Court, New York County, on or about June 5, 2013, and for other relief,

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

It is ordered that the motion is denied .

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Preston Hester, et al.,  
Plaintiffs,

-against-

M-2047  
Index No. 306375/11

Turner Construction Company, et al.,  
Defendants,

LJC Dismantling Corp. and LJ Enterprises  
Inc.,  
Defendants-Respondents.

-----X  
LJC Dismantling Corp. and LJ Enterprises  
Inc.,  
Third-Party Plaintiffs-Respondents,

-against-

PAL Environmental Services, Inc.,  
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant PAL Environment Services, Inc. having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 1, 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 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 September 18, 2014.

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

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

-against-

M-2203  
Ind. No. 1410/12

Abel Disla,  
Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2013, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----x  
Atus Bhatara,

Plaintiff-Respondent,

-against-

M-2541  
Index No. 154849/13

Hans Futterman,

Defendant-Appellant.  
-----x

Appeals having been taken to this Court by defendant from the order of the Supreme Court, New York County, entered on or about August 15, 2013, and from the judgment of said Court entered on or about December 13, 2013, respectively,

And defendant-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted the appeals are consolidated and appellant is permitted to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The time to perfect the consolidated appeals 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 September 18, 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  
Travis D. Griffin,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-3408  
of the Civil Practice Law and Rules, M-3409  
Index No. 102069/12  
-against-

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 12, 2013, and from a judgment of the same Court and Justice entered on or about October 30, 2013,

And petitioner-appellant, pro se, having moved for an enlargement of time to perfect the aforesaid appeal (M-3408),

And petitioner-appellant, pro se, having moved separately for leave to prosecute, as a poor person, the aforesaid appeal and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (M-3409),

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

It is ordered that said 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 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 (M-3408/M-3409).

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 September 18, 2014.

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

-----X  
Epifania Difo,  
Plaintiff-Respondent,

-against-

M-3853  
Index No. 104970/07

American Airlines, Inc., et al.,  
Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 30, 2011 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal 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 September 18, 2014.

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

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

- - - - -  
Stefani P.,  
Petitioner-Appellant,

-against-

M-3855  
Docket No. F-27775/09

Eugene B.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order of the Family Court, New York County, entered on or about April 16, 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 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 September 18, 2014.

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

-----X  
Jose Martinez,  
Plaintiff-Respondent,

-against-

The Estate of John P. Carney, etc.,  
et al.,  
Defendants-Respondents,

M-3865  
Index No. 23123/05

-and-

Michael Katz,  
Intervener-Defendant-Appellant.

-----X  
Sharifa Whaleen Carney,  
Third-Party Plaintiff-Respondent,

-against-

Third-Party  
Index No. 84200/12

Patricia Stewart, etc., et al.,  
Third-Party Defendants-Respondents.

-----X  
(And other actions)  
-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about June 20, 2013 and May 22, 2014, respectively,

And Intervener-defendant-appellant Katz having moved for an enlargement of time to perfect his appeal from the order entered on or about June 20, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to the January 2015 Term. Appellants are permitted to prosecute the 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 September 18, 2014.

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

-----X  
Georgi Eremeyev and Olga Eremeyev,  
Plaintiffs-Appellants,

-against-

Sergei Dolgopolov, M.D., et al.,  
Defendants-Respondents.

M-3878  
Index. No. 13107/03

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 13, 2013, for leave to file an oversized 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 granted to the extent of enlarging the time to perfect the appeal to the February 2015 Term, the application for leave to file an oversized brief is denied, without prejudice to a letter application directly to the Clerk of the Court pursuant to 22 NYCRR 600.10 (d) (i) (I), 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 September 18, 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  
Janice Stalzer, Jeannette A. Pryor  
and John Credaroli, as interested  
parties in the Last Will and Testament of,

M-3911  
M-4128  
**SURROGATE'S COURT**  
File No. 1766/12

Jeannette Giaimo,  
Deceased,

for a Construction and Reformation of  
Decedent's Last Will and Testament.

-----X

Separate appeals having been taken by Janice Stalzer, Jeanette A. Pryor and John Credaroli (Stalzer Appellants) and by Angela Giaimo Marse and Joseph Harry Giaimo (Giaimo Appellants) from the order of the Surrogate's Court, New York County, entered on or about October 8, 2013,

And an order of this Court having been entered on March 6, 2014 (M-84) dismissing the appeal taken by the aforesaid "Giaimo Appellants," for failure to file a timely notice of appeal,

And the "Stalzer Appellants" having moved for an enlargement of time to file their appeal (M-3911),

And respondent-executor, Elizabeth A. Vreenberg, Esq. having cross-moved to dismiss the "Stalzer Appellants" appeal (M-4128),

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 "Stalzer Appellants" appeal to the January 2015 Term, with no further enlargements to be granted (M-3911). The cross-motion is granted to the extent of dismissing the "Stalzer Appellants" appeal unless perfected for said January 2015 Term (M-4128).

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 September 18, 2014.

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

-----X  
Joseph Purcell and Janet Purcell,  
Plaintiffs-Appellants,

-against-

M-3922  
Index No. 113123/09

Visiting Nurses Foundation Inc.,  
and Cauldwell-Wingate, Inc.,  
Defendants-Respondents,

-----X  
Visiting Nurses Foundation Inc.,  
and Cauldwell-Wingate, Inc.,  
Third-Party Plaintiffs,

-against-

Third-Party  
Index No. 590593/10

Northeastern Fabricators, Inc.,  
Third-Party Defendant-Appellant,

Beyer Blinder Belle, et al.,  
Third-Party Defendants-Respondents.

-----X

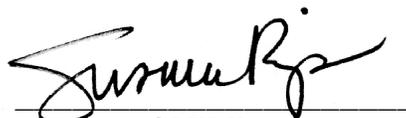
An appeal having been taken by third-party defendant-appellant Northeastern Fabricators, Inc. from the order of the Supreme Court, New York County, entered on or about September 10, 2013 (mot. seq. nos. 001, 002, 003 & 004) and an appeal having been taken by plaintiffs-appellants from an order of the same Court and Justice entered on or about October 3, 2013, and the appeal from the order entered on October 3, 2013 having been perfected and calendared for the November 2014 Term,

And third-party defendant-appellant Northeastern Fabricators, Inc. having moved for an enlargement of time to perfect the appeal from the aforesaid order entered on or about September 10, 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 January 2015 Term. Sua sponte, the plaintiffs-appellants' perfected appeal is adjourned to said January 2015 Term. The Clerk is directed to calendar the appeals to be heard together during said 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 September 18, 2014.

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

-----X  
Levar T. Henry,  
Plaintiff-Appellant,

-against-

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

M-3985  
Index No. 304637/09

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 25, 2013, 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 denied, without prejudice to argument of the issue on 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 September 18, 2014.

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

-----X  
Commercial Tenant Services, Inc.,  
Plaintiff-Respondent,

-against-

Northern Leasing Systems, Inc.,  
Defendant-Appellant.  
-----X

M-4070  
M-4093  
Index No. 652820/11

Plaintiff-respondent having moved to dismiss the appeal taken from a judgment of the Supreme Court, New York County, entered on or about June 10, 2014 (M-4070),

And defendant-appellant having cross-moved for an enlargement of time to perfect the aforesaid appeal (M-4093),

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 to dismiss the appeal is granted unless the appeal is perfected for the March 2015 Term (M-4070). The cross-motion is granted to the extent of enlarging the time to perfect the aforesaid appeal to said March 2015 Term (M-4093).

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 September 18, 2014.

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

-----X  
Adrienne Faye Saunders,  
Plaintiff-Respondent/Respondent-  
Respondent,

-against-

M-4145  
Index No. 350015/12

Richard Mark Guberman,  
Defendant-Appellant/Respondent-  
Appellant,

Advocate & Lichtenstein LLP,  
Non-Party Appellant-Respondent.

-----X

An appeal having been taken by defendant Guberman from the order of the Supreme Court, New York County, entered on or about January 24, 2013, and an appeal by non-party appellant-respondent Advocate & Lichtenstein and cross appeal by defendant-appellant/respondent appellant Guberman having been taken from the order of said Court entered on or about August 6, 2013, respectively,

And an order of this Court having been entered on February 20, 2014 (M-450) consolidating the aforesaid appeals,

And plaintiff-respondent having moved to amend the caption of this action,

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 September 18, 2014.

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

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

- - - - -  
Lourdes G.,  
Petitioner-Respondent,  
  
-against-

M-3117  
Docket Nos. F-02779-01/10C  
F-02779-01/10D

Julio P.,  
Respondent-Appellant.

-----x

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on or about March 13, 2014 (Appeal No. 11966), for poor person relief, and for related relief,

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

It is ordered that the motion is denied.

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 September 18, 2014.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

Colony Insurance Company,  
Plaintiff-Respondent,

-against-

Danica Group, LLC,  
Defendant-Appellant,

M-1363  
M-1632  
Index No. 116200/10

Zurich American Insurance Company, et al.,  
Defendants-Intervenors-Appellants.

-----  
New York Marine and General Insurance  
Company,  
Proposed Intervenor-Appellant.

-----X

Defendants-intervenors-appellants Zurich American Insurance Company and Pav-Lak Industries, Inc. having moved for resettlement/reargument of the decision and order of this Court entered on March 6, 2014 (Appeal No. 11907-11908-11909-11909A) [M-1363],

And defendant-appellant Danica Group, LLC having moved for the same relief, or in the alternative, leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court (M-1632),

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

It is ordered that the motions are denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-3197  
Ind. No. 5667/12

Davon J. Woodley,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 17, 2013, 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.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

-----X  
Zurich American Insurance Company,  
Plaintiff-Respondent,

-against-

Sony Corporation of America and Sony  
Computer Entertainment America LLC,  
Defendants-Appellants,

-and-

M-3093  
Index No. 651982/11

Mitsui Sumitomo Insurance Company of  
America,  
Defendant-Respondent,

-and-

Sony Online Entertainment, LLC, et al.,  
Defendants.

-----X

An appeal and cross-appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 4, 2014,

And defendants-appellants having moved for dismissal of the aforesaid cross-appeal taken by plaintiff-respondent,

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 cross-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 September 18, 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,

M-2064  
M-3206

-against-

Ind. No. 3682N/12

Patrick A. Fortune,  
Defendant-Appellant.

-----x

Defendant by separate motions having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 2, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motions are 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 ten reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-3292  
Ind. No. 1871/09

Rodney Dunbar, also known as "JD Hot Rod,"  
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgments of the Supreme Court, New York County, rendered on or about April 30, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 ten reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-3145  
Ind. No. 3097/13

Quamae Taylor,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 25, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

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

-----X  
Laine Levret de Melo,  
Plaintiff-Respondent,

-against-

M-3384  
Index No. 303025/09

Northon Levret de Melo,  
Defendant-Appellant.  
-----X

Plaintiff-respondent, pro se, having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about May 9, 2012,

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

It is ordered that the motion is denied, with leave to renew, upon submission of motion papers which include proof of proper service of the motion on defendant's counsel.

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 September 18, 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  
Debra Williams,  
Petitioner-Appellant,

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

M-3435  
Index No. 401253/13

-against-

New York City Housing Authority.  
Respondent-Respondent.

-----x

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

And petitioner-appellant, pro se, having moved for leave to prosecute the aforesaid purported appeal as a poor person, for the assignment of 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 denied and, sua sponte, the purported 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 September 18, 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-3549  
Ind. No. 5490/01

Angelo Tejada,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 13, 2004,

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 January 2015 Term.

ENTER:



CLERK

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-3357  
Ind. No. 6058/2010

-against-

CERTIFICATE  
GRANTING LEAVE

Kenneth Ivey,  
Defendant.

-----X  
I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, New York County, entered on or about June 3, 2014.<sup>1</sup>

Dated: New York, New York  
September 4, 2014

ENTERED

SEP 18 2014

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

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

P.M ORDERS  
FOR  
SEPTEMBER  
18, 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 September 18, 2014.

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

-----x  
Tannenbaum Helpern Syracuse &  
Hirschritt, LLP,  
Plaintiff-Respondent,

-against-

M-4101  
Index No. 153088/12

DeHeng Law Offices and DeHeng Chen, LLC,  
Defendants-Appellants.  
-----x

An appeal having been taken to this Court by DeHeng Law Offices from the order of the Supreme Court, New York County, entered on or about October 3, 2013 (mot. seq. no. 002),

And a separate related appeal having been taken by DeHeng Chen, LLC from the same order of said Court entered on the same day, and said appeal having been perfected,

And defendant-appellant DeHeng Law Offices having moved, inter alia, for leave to supplement the record on appeal filed by DeHeng Chen, LLC in connection with the aforesaid perfected appeal, with the notice of appeal filed by said defendant-appellant DeHeng Law Offices, and/or for certain alternative 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 consolidating the aforesaid appeals, and directing defendant-appellant DeHeng Law Offices to file 9 copies of a supplemental record, which shall include its notice of appeal and preargument

statement, along with its appellant's brief previously tendered for filing, on or before November 10, 2014, for the January 2015 Term, to which Term the consolidated appeals are adjourned.

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 September 18, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

-----x  
Akira Nakasato,  
Plaintiff-Respondent,

-against-

M-4168

Index No. 103045/09

331 W 51<sup>st</sup> Corp.,  
Defendant-Appellant,

-and-

Eleben Yau-Mei Wong,  
Defendant.

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 19, 2014, and said appeal having been perfected,

And defendant-appellant having moved for a stay of re-trial of the above-captioned matter 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 staying re-trial of the action and adjourning the appeal to the November 2014 Term. The Clerk is directed to maintain the appeal on for said November 2014 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----x

Anita Chanko, as Executor of the  
Estate of Mark S. Chanko, deceased,  
et al.,

Plaintiffs-Respondents,

-against-

American Broadcasting Companies, Inc.  
and New York-Presbyterian Healthcare  
System Inc.,

Defendants-Appellants,

-and-

Sebastian Schubl, M.D.,  
Defendant.

-----x

An appeal having been taken to this Court by defendant American Broadcasting Companies, Inc. from the order of the Supreme Court, New York County, entered on or about January 17, 2014; and an appeal having been taken to this Court by New York-Presbyterian Healthcare System Inc. from an order of said Court entered on or about January 17, 2014, respectively, and the appeals having ben perfected,

And defendant-appellant American Broadcast Companies, Inc. (M-4119) having moved for a stay of all proceeding pending hearing and determination of the aforesaid appeal taken by them,

And defendant-appellant The New York-Presbyterian Hospital Healthcare System Inc. (M-4202) having moved for the same relief,

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

It is ordered that the motions are granted to the extent of staying all proceedings, with the exception of the deposition of plaintiff Anita Chanko, pending hearing and determination of the appeal(s), on condition that defendants agree to videotape the deposition of plaintiff Anita Chanko at defendants' expense. The Clerk is directed to maintain the appeals on the calendar for the October 2014 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 15, 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 Petition of  
Ronald O. Perelman, as Executor of the  
Estate of Claudia L. Cohen,  
Deceased,

Surrogate's Court

for an order Pursuant to SCPA § 2103

M-4086

-----X

Ronald O. Perelman,  
Petitioner-Respondent,

M-4087

M-4230

M-4373

File No. 2007/2318-A

-against-

James Cohen, Justin Cohen, Robert  
Cohen II and Hudson News Company,  
Respondents-Appellants.

-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about February 15, 2013, and said appeal having been perfected,

And respondents-appellants having moved to strike petitioner's respondent's brief filed in connection with the aforesaid appeal (M-4086),

And respondents-appellants having separately moved, pursuant to CPLR 5519(c), for a stay of the aforesaid order pending hearing and determination of the appeal (M-4087),

And petitioner-respondent having cross-moved for an order granting leave to file a sur-reply brief to respond to the arguments raised by respondents-appellants in their reply brief, or for alternative relief (M-4230),

And petitioner-respondent having separately cross-moved for leave to enlarge the record on appeal (M-4373),

(M-4086/M-4087)  
(M-4230/M-4373)

-2-

September 15, 2014

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

It is ordered that the motion (M-4086) for leave to strike petitioner-respondent's brief is denied. The motion (M-4087) for a stay is granted, and execution of the order of the Surrogate's Court is stayed pending hearing and determination of the appeal taken therefrom. The cross motions for leave to file a sur-reply brief (M-4230) and for leave to enlarge the record (M-4373) are denied, without prejudice to raising the issues related thereto upon hearing of the appeal, if so advised.

ENTER:



---

CLERK