

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Joshua Chacon, et al.,

Plaintiffs-Respondents,

-against-

M-4919X

Index No. 15262/06

Serge Mbaye and KR Express Cab Corp.,

Defendants-Appellants,

Jesus Manuel Guivas,

Defendant.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about March 1, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

Michelle Gatto,

Plaintiff-Respondent,

-against-

M-4926X

Index No. 350105/09

Philippe Gatto,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 14, 2011 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Garrison Commercial Funding IV
REO LLC,
Plaintiff-Respondent,

-against-

M-5167X
Index No. 650087/10

NMP-Group LLC, et al.,
Defendants-Appellants.

-----X
(And a third-party action)
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 23, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 10, 2011, 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Michael Rosen,
Plaintiff-Appellant,

-against-

M-5168X
Index No. 310353/08

Philice Rosen,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 28, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 10, 2011, 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

Eric Davis,

Plaintiff-Respondent,

-against-

Belair Group, et al.,

Defendants-Appellants.

-----X

M-5153X
Index No. 650506/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 4, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 9, 2011, 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Emanuel Gerard,
Plaintiff-Appellant,

-against-

M-5205X
Index No. 602016/08

Norman B. Ratner, Linda Burd Howard
and Airplay America, LLC,
Defendants-Respondents.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about July 1, 2011 and July 15, 2011 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 14, 2011, 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Suzanne Park,
Plaintiff-Respondent,

-against-

M-5242X
Index No. 309595/07

Robert Glashow,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 5, 2011 (mot. seq. no. 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 16, 2011, 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Alex Goodman, As Administrator of
Decedent Robert D. Goodman,
Plaintiff-Respondent,

-against-

M-5249X
Index No. 102944/08

Paul R. Sklar, As Receiver and
S.W. Realty Management, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 8, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 16, 2011, 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

Sacha Ghatan
Plaintiff-Appellant,

-against-

M-5290X
Index No. 304534/08

Saadi Ghatan,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 4, 2011 (mot. seq. no. 008),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 17, 2011, 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-5250
Ind. No. 1693/03

Avery Pettigrew,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, entered on or about October 29, 2008,

Now, upon reading and filing the stipulation of the parties hereto and the correspondence from Nancy E. Little, Esq. of counsel, dated November 10, 2011, 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 December 27, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

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

-against-

M-4524
Ind. Nos. 3959/01
5330/01

David Lance Paulin,
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, entered on or about September 29, 2011, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Estelle A. Carr, Individually and as
Assignee of Charles Casper and Keith
Whitten and Estate of Royce K. Hoffman,
Plaintiffs-Appellants,

-against-

M-5053
Index No.117815/97

Rose A. Caputo, et al.,
Defendants-Respondents.

-----X

Appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 17, 2010,

And plaintiffs-appellants having moved for an order enlarging the time in which to perfect the aforesaid appeals, 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 enlarging the time in which to perfect the appeals, which are, sua sponte, consolidated, to on or before February 21, 2012 for the May 2012 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 December 27, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Samron Troy G., and
Ronald Anthony G., Jr.,

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

M-5192
Docket Nos. B4229/10
B25324/09

- - - - -
Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

Ronald G.,
Respondent-Appellant.

- - - - -
Michael Scherz, Esq., Lawyers for
Children,
Attorney for the Children.
-----X

Respondent-appellant father, in connection with the appeal from an order of the Family Court, New York County, entered on or about January 20, 2011, having moved for an enlargement of time in which to perfect the appeal,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4243
Ind. No. 6655/06

Kenny Campos,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 24, 2010,

And defendant-appellant having moved for an order directing the Court Reporter to transcribe the minutes of pretrial Supreme Court appearances related to a motion to dismiss on speedy trial grounds, for purposes of perfecting the appeal,

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

It is ordered that the motion is granted to the extent of directing the Clerk of the Supreme Court, New York County, to have transcribed all minutes of the pretrial Supreme Court appearances held therein, as enumerated in the addendum annexed to the amended affirmation of Thomas M. Nosewicz, Esq., submitted in support of the instant motion, for inclusion in the record on appeal, within 30 days from the date of service upon the Clerk of a copy of this order, which counsel is directed to serve upon the Clerk and the individual court reporter(s) within 10 days from the date of entry hereof. If the minutes are unavailable or do not exist, the Clerk of said Court is directed to provide a statement to that effect.

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 December 27, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Richard T. Andrias
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-4375
Ind. No. 5795/10

Jevon Roberts,

Defendant-Appellant.

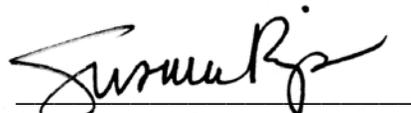
-----X

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 August 22, 2011, 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 to post the \$7,000 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 December 27, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against- Ind. Nos. **M-4510** 5485/08
14/10

Joey Lopez, also known as Joan Lopez,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 31, 2010 (M-3551) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 24, 2009, and assigning Robert S. Dean, Esq., as counsel therefor,

And an appeal having been taken from the judgment of said Supreme Court, rendered on or about June 17, 2010 (under Ind. No. 14/10) and an appeal having been purportedly taken from the judgment of **resentence** of said Court rendered on or about September 6, 2010 (under Ind. No. 5485),

And defendant having moved for leave to file a notice of appeal from the judgment of **resentence** of said Supreme Court rendered on or about September 6, 2010, to extend the poor person relief granted by the order of this Court entered on August 31, 2010 (M-3551) to cover the appeals taken from the judgment entered on June 17, 2010 and said judgment of **resentence** entered on September 6, 2010, and for the consolidation of all 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 deeming the moving papers a timely filed notice of appeal on the judgment of **resentence** entered on September 6, 2010, consolidating the aforesaid appeals, and extending the poor person relief afforded defendant by the order of this Court entered on August 31, 2010 (M-3551) to cover all 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 December 27, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Rosalyn H. Richter, Justices.

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

-against-

M-4161
Ind. No. 1055/09

Jose Ortiz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 2, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 December 27, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

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

-against-

M-4051
Ind. No. 927/08

Richard Webb,
Defendant-Appellant.
-----X

An order of this Court having been entered on April 8, 2010 (M-877) granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 17, 2009, under Indictment No. 927/08, and assigning Steven Banks, Esq., as counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of **resentence** of said Supreme Court, rendered on or about April 15, 2010,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and amending this Court's order of assignment entered on April 8, 2010 (M-877) to include the aforesaid judgment of **resentence** rendered on or about April 15, 2010 and extending the poor person relief previously granted to cover same.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-4602
Ind. No. 3778/10

Ted Johnson,

Defendant-Appellant.
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 7, 2010, having moved for leave to file a pro se supplemental brief,

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

It is ordered that the motion is denied.

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 December 27, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of

Gregory Nelson,
Petitioner-Respondent-Appellant,

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

-against-

M-4569

Index No. 101856/09

New York State Division of Housing
and Community Renewal,
Respondent-Appellant-Respondent,

-and-

Residential Management, Inc.,
Intervenor-Appellant-Respondent.

-----X

Appeals and a cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 12, 2010,

And intervenor-appellant-respondent, Residential Management, Inc., and respondent-appellant-respondent, New York State Division of Housing and Community Renewal, having jointly moved for an enlargement of time in which to perfect their respective appeals from the aforesaid judgment of the Supreme Court, New York County, entered on or about July 12, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals and cross appeal to the May 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-5261
Ind. No. 1378/10

Franklin Kirkland,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 6, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated November 17, 2011, 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 December 27, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

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

-against-

M-4525
Case No. 58077C/04

Jesus Pratts,
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, entered on or about September 29, 2011, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x
The People of the State of New York
ex rel. Waddell Smith,
Petitioner-Appellant,

-against-

M-4094
Index Nos. 401118/11
30089/11

D. Rock, Superintendent of Upstate
Correctional Facility,
Respondent.

-----x

Relator-appellant having moved for an order deeming the notice of appeal from the order of the Supreme Court, New York County, entered on or about July 13, 2011, which dismissed a habeas corpus proceeding, as timely filed, 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, for the assignment of counsel, and for other relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal as timely filed (CPLR 5520[c]).

The motion, to the extent it seeks poor person relief, is denied, with leave to renew upon a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which 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 December 27, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-4520
Ind. No. 319/09

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, rendered on or about May 19, 2011, designating the case as *People v Anonymous*, and sealing the record on appeal, including the minutes of the proceedings, appellate briefs and motions,,

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 December 27, 2011.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Gladis Anderson,
Plaintiff-Respondent,

-against-

M-4543
Index No. 114690/07

Ariel Services, Inc., et al.,
Defendants-Appellants.

-----X

Appeals having been taken to this Court by defendants-appellants from orders of the Supreme Court New York County, entered on or about July 19, 2010 (mot. seq. no. 002) and December 28, 2010 (mot. seq. no. 003), respectively,

And an order of this Court having been entered June 23, 2011 (M-2128), inter alia, consolidating the aforesaid appeals, and the consolidated appeals having been perfected,

And defendants-appellants having moved for an order deciding the consolidated appeals without plaintiff-respondent's brief, and to stay all discovery pending hearing and determination of said consolidated 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 1) allowing the appeal to proceed without the respondent's brief, unless plaintiff files and serves a respondent's brief on or before February 1, 2012 for the March 2012 Term to which Term the consolidated appeals are adjourned; and 2) continuing the interim relief granted by an order of a Justice of this Court, dated, October 3, 2011, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Mercedes McIntosh,

Plaintiff-Respondent,

-against-

M-4587
Index No. 570592/10

Sister Servants of March and Ema Munoz,

Defendants-Appellants.
-----X

Defendants-appellants having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 30, 2010,

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

It is ordered that the motion is granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x
Lenders Capital LLC,
Plaintiff-Respondent,

-against-

M-5031
Index No. 380425/08

Ranu Realty Corp., Azizur Rahman,
New York State Department of
Taxation & Finance, City of New
York, Jane Doe and John Doe 1
through 9,
Defendants-Respondents,

Viktoriya Zavelina,
Intervenor-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 6, 2011,

An order of this Court having been entered on August 11, 2011 (M-2733), granting intervenor-appellant a stay of sale of a certain foreclosed property pending hearing and determination of the appeal on condition the appeal is perfected for the December 2011 Term,

And defendant-respondent Azizur Rahman having moved for leave to respond to the appeal as a poor person, for an enlargement of time to file a respondent'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 movant to respond to the appeal upon a reproduced respondent's brief, on condition one copy of such brief be served upon the attorney for intervenor-appellant and 8 copies thereof are filed with this Court. The appeal is adjourned to the April 2012 Term. The stay granted by the order of this Court entered on August 11, 2011 (M-2733) is continued pending hearing and determination of 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 December 27, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
Aon Service Corporation,

Plaintiff-Appellant,

-against-

M-5018
Index No. 602841/09

Fairfield Greenwich Advisors, LLC,
et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 12, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated November 21, 2011, 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 December 27, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
Nama Holdings, LLC, etc.,
Plaintiff-Respondent,

-against-

M-4867
Index No. 601054/08

Greenberg Traurig LLP, etc., et al.,
Defendants,

Shawn Samson and Jack Kashani,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 2, 2010 (mot. seq. no. 007), and said appeal having been perfected,

And an order by a Justice of this Court dated October 25, 2011 having adjourned the aforesaid appeal to the February 2012 Term to allow defendants-appellants additional time to file a reply brief,

And plaintiff-respondent having moved to dismiss the aforesaid 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 only to the extent of maintaining the appeal on this Court's calendar for the February 2012 Term. The motion is otherwise denied without prejudice to plaintiff advancing the arguments directly 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 December 27, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Superior Technologies Solutions, Inc.,

Plaintiff-Appellant,

-against-

M-5379

Index No. 104546/11

110 West 31st Street Realty Corp.,

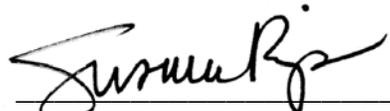
Defendant-Respondent.
-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, both entered on or about May 26, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed November 21, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2011 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 December 27, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Jerome Weinrib,
Plaintiff-Respondent,

-against-

M-5287
Index No. 116637/08

Andrew Kim, M.D., White Plains
Anesthesia Group, Westchester
Anesthesiologists, P.C., White
Plains Hospital Center, White
Plains Hospital Center Foundation,
doing business as "White Plains
Hospital Center," Philip Weber,
M.D., Carl Weber, M.D. and Carl
Weber, M.D. & William P. Homan M.D.
P.C.,
Defendants-Appellants.

-----X

Defendant-appellant White Plains Hospital Center having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 12, 2011, and said appeal having been perfected.

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated December 16, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-5170
Ind. No. 5645/06

Anthony Caldwell,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 7, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated November 2, 2011, 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 December 27, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

- - - - -
Anabel Maria P.,
Petitioner-Respondent,

-against-

M-5176
Docket No. O-14485/11

Derek Jacob C.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq.,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Protection of the Family Court, Bronx County, entered on or about October 6, 2011, 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, Israel P. Inyama, Esq., 244 Fifth Avenue, Suite 2852, New York, NY 10001, Telephone No. (646) 595-9090, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have

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

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3995
SCI No. 47028C/10

Roberto Duran,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 29, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
James M. Catterson
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Illinois Union Insurance Company,
Plaintiff-Appellant,

M-3958
-against- Index No. 100213/08

Assurance Company of America,
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 July 28, 2011 (Appeal No. 4176), which reversed the order of the Supreme Court, New York County, entered on or about October 6, 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, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:


CLERK

CORRECTED ORDER - April 13, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. David Friedman, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Joseph Y.,
Petitioner-Appellant,

-against-

M-4457

Docket Nos. V15539/09
V15540/09

Tatyana K.,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about September 29, 2010, and for assignment of counsel, a free copy of the transcript, 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 denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), demonstrating petitioner's financial circumstances, including monthly expenses and a concise statement of the nature of the proceeding. (The application shall include an affidavit of the source[s] of all funds utilized by petitioner.) Sua sponte, the time in which to perfect the appeal is enlarged to the April 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

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

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

Respondent,

-against-

M-5193
Ind. No. 311/09

Roy Bodden,

Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on October 13, 2011 (Appeal No. 5718),

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, upon reargument, the decision and order of this Court entered on October 13, 2011 (Appeal No. 5718 is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 5718, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Steven Elliot Eluito,

Plaintiff-Appellant,

M-4835

Index No. 601501/06

-against-

Helmsley-Spear, Inc., et al.,

Defendants-Respondents.
-----X

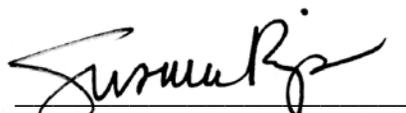
An order of this Court having been entered on September 22, 2011 (M-3448), dismissing plaintiff's appeal taken from the order of the Supreme Court, New York County, entered on or about August 23, 2010 (mot. seq. no. 003),

And plaintiff having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid order of this Court entered on September 22, 2011 (M-3448), 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-5143
Ind. No. 352/08

Carl Francois,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 31, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated November 4, 2011, 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-5241
Ind. No. 2826/03

Marcus Davis,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, entered on or about September 17, 2008,

Now, upon reading and filing the stipulation of the parties hereto and the correspondence from Nancy E. Little, Esq. of counsel, dated November 10, 2011, 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 December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Yuriy Wowk,
Plaintiff,

M-5387X

-against-

Broadway 280 Park Fee, LLC,
Defendant,

Index No. 108213/08

-and-

Istithmar Building 280 Park, LLC.,
Defendant-Respondent.

- - - - -
Istithmar Building 280 Park, LLC.,
Third-Party Plaintiff-Respondent,

-against-

Index No. 591155/08

Combined Building Services, Inc.,
et al.,
Third-Party Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 12, 2011 (mot. seq. nos. 001, 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 28, 2011, 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
In the Matter of

Akira V., Leroy B., Shandle B.,
and Tanasia B.,

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

M-5404
Docket Nos. N19351/11
N19352/11
N19353/11
N19394/11

Commissioner of the Administration
for Children's Services of the City
of New York,
Petitioner-Respondent,

Leroy B., Sr.,
Respondent-Appellant.

Shirley Caro, Esq., Lawyers for
Children, Attorney for the Child,
Akira V.

Andrew Rossmer, Esq.,
Attorney for Leroy B., Shandle B.,
and Tanasia B.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about July 22, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated November 29, 2011, 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

Carmen Sylvan,

Plaintiff-Respondent-Appellant,

-against-

M-4925X

Index No. 20809/06

N.Y.C.T.A.,

Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 9, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 2011, and due deliberation having been had thereon,

It is ordered that the appeal and cross 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

182 Realty LLC,

Plaintiff-Respondent/Plaintiff-
Respondent-Appellant,

-against-

M-4923X

Index No. 651705/10

180 Ludlow Development LLC, et al.,

Defendants-Appellants/Defendants-
Appellants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 27, 2011, and appeals and cross appeals having been taken from orders of said Court entered on or about March 17, 2011 and March 28, 2011, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 2011, and due deliberation having been had thereon,

It is ordered that all of the aforesaid appeals 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Anthony Ceballos, an infant by his
mother and natural guardian Denys
Rodriguez, and Denys Rodriguez,
individually,

Plaintiffs-Respondents,

-against-

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

-----X
(And a third-party action)

M-5227
Index No. 101760/04

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 15, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed November 15, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 2011 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

Lehr Construction Company, et al.,

Plaintiffs-Respondents,

-against-

M-5150

Index No. 115807/08

Continental Casualty Company,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 20, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed November 9, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2011 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Miguel DeJesus,
Plaintiff-Respondent,

-against-

Triborough Bridge and Tunnel Authority,
Defendant-Appellant,

GC.Com Construction Company, Inc.,
Defendant.

M-5149
Index Nos. 301169/08
84070/08

-----X
(And a third-party action)

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 23, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed November 9, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2011 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Timothy Murphy and Catherine Murphy,
Plaintiffs,

-against-

M-5412

Index No. 101172/07

New York Times Building, LLC, et al.,
Defendants.

-----X
New York Times Building, LLC, et al.,
Third-Party Plaintiffs-Respondents,

-against-

Third-Party
Index No. 590341/07

Benson Industries, LLC.,
Third-Party Defendant-Appellant.

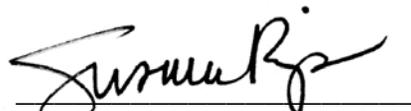
-----X
(And another Action)

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 21, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed November 29, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2011 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

Nicholas M. Napolini, As
Administratrix of the Goods,
Chattels and Credits which
were of Nicholas M.F. Napolini
and Nicholas M. Napolini,
Individually,
Plaintiffs-Appellants-Respondents,

M-5183
Index No. 302747/10

-against-

Beatrice Brantman and Russell
Brantman,
Defendants-Respondents-Appellants,

-and-

Andrew Jaworski,
Defendant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 3, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated November 14, 2011, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the September 2011 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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Leland G. DeGrasse
Roselyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
25 Avenue C Realty, LLC, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-5341

Index No. 304108/09

Alea North America Insurance Company,
Defendant-Appellant-Respondent,

-and-

Merrimack Mutual Fire Insurance
Company,
Defendant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 18, 2010, and said appeal and cross appeal having been perfected,

And defendant-appellant-respondent having moved for an order dismissing plaintiff's cross appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for plaintiffs-respondents-appellants, dated November 17, 2011, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of deeming plaintiff's cross appeal withdrawn in accordance with the aforesaid correspondence. The defendant-appellant's direct appeal remains extant.

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
John W. Sweeny, Jr.
Nelson S. Román, Justices.

-----X
Suehaye Santiago and Michael Castenos,
Plaintiffs-Appellants,

-against-

M-5219
Index No. 150040/07

Sports Plus Café, Inc.,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 28, 2011,

And defendant-respondent having moved for an order dismissing the aforesaid appeal,

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

Ordered that the motion is granted unless the appeal is perfected for the June 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4948

Ind. No. 4389/09

Raymond Medina,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

CORRECTED ORDER – September 19, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

Kevin Moore,

Defendant-Appellant.
-----X

M-4951

Ind. No. 4261/09

5984/09

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 18, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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.

CORRECTED ORDER – September 19, 2012

(M-4951)

-2-

December 27, 2011

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4952

Ind. No. 1090/09

Jose Oquendo,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 16, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4953

Ind. No. 5862/10

Reynaldo Quiñones,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 9, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4954

Ind. No. 3308/11

Rafael Roman,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 4, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

James Robinson,

Defendant-Appellant.
-----X

M-4956
Ind. Nos. 3430/11
1856/11

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 15, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4957
Ind. No. 2732/02

Crispin Guity, also known as Crispin
Tupac, also known as Christopher R.
Waters,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, entered on or about July 18, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4958

Ind. No. 2604/11

Rafael Rodriguez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 28, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4959

Ind. No. 421/11

Angel Rodriguez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 6, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4960

Ind. No. 5492/10

Stefan Ross,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 8, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4961

Ind. Nos. 3395/11
2623/11

Keith Rivers,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 6, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4964
Ind. No. 2561/10

Anthony Singletary,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 16, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4966

Ind. No. 4952/10

Michael Thompson, also known as
Michael Eraldo Thompson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 5, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4967

Ind. No. 5112/08

Barry Smith,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 12, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4968

Ind. No. 757N/11

Gina Villalobos,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 3, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4969

Ind. No. 3025/11

Robert Williams,

Defendant-Appellant.
-----X

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

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4970

Ind. No. 1267/11

Lucy Yukhan,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 8, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Rolando T. Acosta
Rosalyn H. Richter
Nelson S. Román, Justices.

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

Respondent,

-against-

M-1590B

Ind. No. 1381/09

Randy Gutierrez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County rendered on or about August 4, 2010, and the appeal from judgment of **resentence** of said Court rendered on or about December 16, 2010, for leave to have the appeal(s) heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes pursuant to CPL §210.20, Arts. 710 and 730, of plea, trial and sentence and **resentence**. 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(s). The time within which appellant shall perfect the appeal(s) is hereby enlarged until 120 days from the date of filing of the record. The order of this Court entered on August 4, 2011 (M-1590A), is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-4514

Ind. No. 3806/10

Travis Hunt,
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 April 27, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X

In the Matter of

Lizette Patricia M.
and Leslie Frances M.,

M-4762

Docket Nos. B4261/10
B4262/10

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

McMahon Services for Children, a
Program of Good Shepherd Services,
et al.,
Petitioners-Respondents,

Gwendolyn M.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, both entered on or about August 31, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq.,

260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Roselyn H. Richter, Justices.

-----X
In the Matter of a Paternity
Proceeding Under Article 5 of the
Family Court Act.

- - - - -
Michael S.,
Petitioner-Appellant,

M-4527
Docket No. P11456/10

-against-

Michelle S.,
Respondent-Respondent.

- - - - -
Keith Brown, Esq.,
Attorney for the Child.

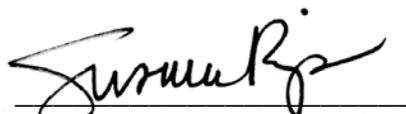
-----X

Keith Brown, Esq., Family Court attorney for the subject child, Jennalee S., having moved on child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about July 21/2011, and for assignment of appellate counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon petitioner-appellant's perfecting his appeal. (See M-4803, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
In the Matter of a Paternity
Proceeding Under Article 5 of the
Family Court Act.

Michael S.,
Petitioner-Appellant,

M-4803

Docket No. P11456/10

-against-

Michelle S.,
Respondent-Respondent.

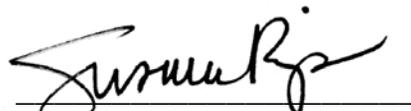
Keith Brown, Esq.,
Attorney for the Child.

-----X
Respondent-respondent, Michelle S., having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about July 21, 2011, and for assignment of appellate counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon petitioner-appellant's perfecting his appeal. (See M-4527, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

Darrin Q. Coaxum,

M-4683
DC #29
Ind. No. 1120/09

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 20, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2012 Term and counsel is directed to so perfect.

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 December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

John Hamlett,

M-4700
DC #49
Ind. No. 2502/06

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 19, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2012 Term and counsel is directed to so perfect.

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 December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

Andrew Rodriguez,

M-4741
DC #91
Ind. No. 4205/06

Defendant-Appellant.
-----X

And an appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about January 30, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2012 Term and counsel is directed to so perfect.

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 December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

Rovell Washington,

M-4761
DC #113
Ind. No. 7117/02

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 25, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2012 Term and counsel is directed to so perfect.

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 December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

Curry Winkfield,

M-4767
DC #120
Ind. No. 3762/08

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 15, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2012 Term and counsel is directed to so perfect.

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 December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

Raymond Denson,

M-4687
DC #35
Ind. No. 701/99

Defendant-Appellant.
-----X

Consolidated appeals having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 18, 2002, and from the order of said Court entered on or about and September 9, 2008, respectively,

And said consolidated appeals not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the consolidated appeals,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the consolidated appeals is enlarged to the April 2012 Term and counsel is directed to so perfect.

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 December 27, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

Jamal Wilson,

M-4766
DC #119
Ind. No. 5482/02

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about December 20, 2007,

And leave to appeal the order of the Supreme Court, Bronx County, entered March 8, 2010, having been granted by order of a Justice of this Court entered August 24, 2010, and said appeals having been consolidated,

And said consolidated appeals not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the consolidated appeals is enlarged to the April 2012 Term and counsel is directed to so perfect.

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

M-4668

DC #12

-against-

Ind. No. 9659/99

Theodore Ballard,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 1, 2009,

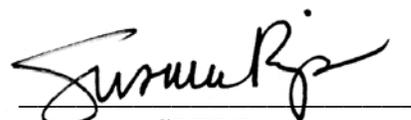
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the May 2012 Term of this Court and counsel is directed to so perfect.

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Curtis Brown,
Defendant-Appellant.

-----X

M-4675

DC #19

Ind. Nos. 5961/06
6402/06

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 15, 2009,

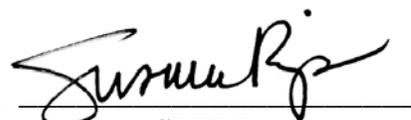
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the May 2012 Term of this Court and counsel is directed to so perfect.

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

M-4742

DC #92

-against-

Ind. No. 1714/09

Nelson Rodriguez,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 17, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the May 2012 Term of this Court and counsel is directed to so perfect.

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4748

DC #97

Ind. No. 4301/08

Auvryn Scarlett,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 18, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the May 2012 Term of this Court and counsel is directed to so perfect.

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

-against-

M-4749

DC #98

Ind. No. 1360/09

Ekkehart Schwarz,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 25, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12© of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the May 2012 Term of this Court and counsel is directed to so perfect.

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

M-4721
DC #72
Ind. No. 6013/02

-against-

Cleveland Lovett,
Defendant-Appellant.

-----X

Appeals having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 9, 2003 and from a judgment of **resentence** of the same Court rendered on or about February 7, 2009,

And said appeals having been consolidated by the order of this Court entered march 30, 2006 (M-828),

And said consolidated appeals not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the aforesaid consolidated appeals is enlarged to the May 2012 Term of this Court and counsel is directed to so perfect.

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 December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of

Rayshawn P.,
A Person Alleged to be a Juvenile
Delinquent,

M-4670
Docket Nos. D26708/10
D26625/10

Respondent-Appellant.

-----X
In the Matter of

Karen W.,
A Person Alleged to be a Juvenile
Delinquent,

Respondent-Appellant.

-----X

An order of this Court having been entered on October 4, 2011 (M-3078) granting the above-named respondent leave to appeal to this Court from the order of the Family Court, Bronx County, entered on or about June 30, 2011,

And in a related case, *In the Matter of Kareem W., a Person Alleged to be a Juvenile Delinquent* (Bronx County Docket No. D26625/10) an order of this Court having been entered on November 10, 2011 (M-4454) granting said respondent leave to appeal to this Court from the order of the Family Court, Bronx County, entered on or about September 28, 2011,

And respondents having jointly moved for an order consolidating their appeals, 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 directing the Clerk to calendar the aforesaid appeals for hearing together on the same day calendar upon their perfection.

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 December 27, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----x

Ronald Jackson,
Plaintiff-Appellant,

-against-

M-5021
Index No. 117863/06

Anthony S.C. Leung and Nicholas
Rosillo,
Defendant-Respondent.

-----x

Appeals having been taken to this Court from the orders of the Supreme Court New York County, entered on or about April 14, 2011 and August 29, 2011,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals, and for an enlargement of time in which to perfect said 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 appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before February 21, 2012 the May 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
John W. Sweeny, Jr.
Nelson S. Román, Justices.

-----X

In the Matter of the Application of

Madison Park Owner, LLC,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-5332
Index No. 105399/11

-against-

Eric T. Schneiderman, as Attorney
General of the State of New York,
and Alan Krouk,
Respondents-Respondents.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about August 9, 2011, and said appeal having been perfected,

And respondents having moved to strike petitioner's record on appeal with leave to file a corrected record on appeal which would omit documents dehors the record and include documents improperly omitted, and to adjourn 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 directing petitioner-appellant to file 9 copies of the proposed supplemental record attached to the Affirmation in Opposition to the motion of Paul Ostensen, Esq. As Exhibit 1, forthwith, and adjourning the appeal to the March 2012 Term, and otherwise denied without prejudice to respondents addressing alleged improprieties in the record filed by petitioner on direct 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 December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
John W. Sweeny, Jr.
Nelson S. Román, Justices.

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

Antonio Dwayne G.,
Petitioner-Appellant,

-against-

M-5220
Docket No. V-05363-03/09I

Ericka Monte E.,
Respondent-Respondent.

-----X

Respondent-respondent Ericka Monte E. having moved for leave to respond, as a poor person, to the appeal from the orders of the Family Court, New York County, entered on or about December 7, 2010 and August 30, 2010, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman Esq., 2005 Palmer Avenue #176, Larchmont, NY 10538, Telephone No. (914)834-3053, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
John W. Sweeny, Jr.
Nelson S. Román, Justices.

-----X
Michael Drezin,
Plaintiff-Appellant,

-against-

M-5312
Index No. 305398/10

The New Yankee Stadium Community
Benefits Fund, Inc.,
Defendant-Respondent.

-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, Bronx County, entered on or about December 10, 2010,

And defendant-respondent having moved for an order striking Point I and the conclusion from plaintiff's reply brief,

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

Ordered that the motion is granted and plaintiff is directed to remove Point I and the conclusion at Page 24 from the Reply Brief.

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 December 27, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
John W. Sweeny, Jr.
Nelson S. Román, Justices.

-----X

In the Matter of

Jaden Christopher W.-McC.

An Application for the Guardianship and Custody of a Child Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -
Jewish Child Care Association of New York, M-5175
Petitioner-Respondent, Docket No. B-15459/10

Michael L. McC., also known as
Michael McC.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Child.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about October 13, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, 2005 Palmer Avenue #176, Larchmont, NY 10538, Telephone No. (914)834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of

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

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

M-4219
Ind. No. 6347/09

Johann Estrella,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 13, 2010 (M-2991) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Brandon D.,

A Person Alleged to be a Juvenile
Delinquent,

M-5109
Docket No. D33979/10

Respondent-Appellant.

-----X

Appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about October 22, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
William W. Clark, the Administrator
of the Goods, Chattel and Credits
of Beverly Clark, deceased,

M-5177
Index No. 603958/04

Plaintiff-Respondent,

-against-

Beth Israel Medical Center, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 14, 2011 (mot. seq. no. 007),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Gary H. Goldman, M.D.,
Plaintiff-Appellant,

-against-

M-5134
Index No. 603254/09

The Charter Oak Fire Insurance
Company,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 24, 2011,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Joseph Rubio,
Plaintiff-Respondent,

-against-

M-5097
Index No. 100785/04

New York City Transit Authority,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about January 25, 2011,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Margaret Riebe, as Guardian ad litem
of Jeffrey Riebe, an Incapacitated
Person,
Plaintiff-Respondent-Appellant,

M-5026
Index No. 109623/06

-against-

Idan Elkon, et al.,
Defendants,

Yaakov Elkon,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 24, 2010 (mot. seq. nos. 003 and 004),

And defendant-appellant-respondent having moved for an enlargement of time in which to perfect the 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 to the extent of enlarging the time in which to perfect the appeal and cross appeal to the May 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

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

-----X
In the Matter of the Application of
Sydney T. Campbell,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-5286
of the CPLR, Index No. 401245/11

NYC Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 26, 2011, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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.

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 December 27, 2011.

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

-----X

Marc Bogatin,
Plaintiff-Respondent,

-against-

M-5218
Index No. 103489/11

Windermere Owners LLC and Windermere
Chateau, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 8, 2011,

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

It is ordered that the motion is 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 December 27, 2011.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
SAP V/ATLAS 845 WEA Associates NF LLC,
Petitioner-Landlord-Respondent,

-against-

Ronald A. Janelli and Gwen R. Janelli,
Respondents-Tenants-Appellants,

M-4444
Index No. 570656/10

-and-

"John Doe" and "Jane Doe,"
Respondents-Undertenants.

-----X

An order of this Court having been entered on August 11, 2001 (M-1225/M-916), inter alia, granting respondents-tenants leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 30, 2010, and granting a stay of eviction to the extent of continuing the interim relief granted by an order of a Justice of this Court dated March 15, 2011 pending hearing and determination of the appeal,

And petitioner-landlord-respondent having moved for the modification of the aforesaid stay,

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 December 27, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

John L. Peteres-Tolino,

Plaintiff-Appellant,

-against-

M-4479
Index No. 402522/09

Edward Harap, 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 23, 2011 (mot. seq. no. 002),

And plaintiff-appellant having moved for an order enlarging the time in which to perfect the aforesaid appeal and enlarging the record on appeal,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 2012 Term, and 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 December 27, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Elaine Blech and Benjamin Blech,

Plaintiffs-Respondents,

-against-

West Park Presbyterian Church,
et al.,

Defendants,

-and-

Monadnock Construction, Inc.,

Defendant-Appellant,

Richmond Housing Resources, LLC,

Defendant-Appellant.

-----X

Two appeals having been taken by defendant-appellant, Richmond Housing Resources, LLC, from orders of the Supreme Court, New York County, entered on or about January 28, 2011 (mot. seq. no. 003) and September 23, 2011 (mot. seq. no. 004), respectively,

And three appeals having been taken by defendant-appellant, Monadnock Construction, Inc., from orders of said Supreme Court, entered on or about January 28, 2011 (mot. seq. no. 003), September 23, 2011 (mot. seq. no. 004) and October 12, 2011 (mot. seq. no. 007), respectively,

And defendant-appellant, Richmond Housing Resources, LLC, having moved to consolidate their two appeals and for an enlargement of time in which to perfect same (M-4909),

And defendant-appellant, Monadnock Construction, Inc., having cross-moved to consolidate their three appeals and for an enlargement of time in which to perfect same (M-5015),

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 defendant-appellant, Richmond Housing Resources, LLC's, motion is granted to the extent of consolidating their two appeals and enlarging the time in which to perfect same to the May 2012 Term (M-4909), and it is further

Ordered that defendant-appellant, Monadnock Construction, Inc.'s, motion is granted to the extent of consolidating their three appeals and enlarging the time in which to perfect same to the May 2012 Term (M-5015). Sua sponte, the Clerk is directed to calendar the aforesaid consolidated appeals for hearing together on the same day of the May 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Baje Realty Corp.,
Plaintiff-Appellant,

-against-

Alice Cutler, as Executrix of the
Estate of Arthur Cutler, Deceased
and Jeffrey Baynon,
Defendants/Third Party-Respondents,

M-5098
Index No. 19205/90

-against-

Walter Sakow and Marion Sakow,
Third-Party/Defendants-Appellants,

-and-

Robert C. Bianco, et al,
Third-Party Defendants..

-----X

Plaintiff-appellant Baje Realty Corp and third-party/defendants-appellants Walter Sakow and Marion Sakow having moved for an enlargement of time in which to perfect their appeal from the order of the Supreme Court, New York County, entered on or about December 20, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 21, 2012 for the May 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

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

-----X
Endeavor Funding Corp.,
Plaintiff-Respondent,

-against-

M-5103
Index No. 106712/07

Ollie Allen, on behalf of Ollie
Allen Holding Company, LLC,
Defendants-Appellants,

-and-

Pariser Industries Inc., et al.,
Defendants.

-----X
[And a third-Party action]

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 15, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

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

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

-against-

M-5156
Ind. No. 29/00

Ralph Alicea,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 20, 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, on consent, and the time to perfect the appeal is enlarged to the May 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

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

-----X
Martine Marcellus,

Plaintiff-Appellant,

-against-

James M. Forvarp, et al.,

Defendants-Respondents.
-----X

M-5306
M-5186
Index No. 301296/08

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 4, 2011,

And plaintiff-appellant having moved by separate motions for an enlargement of time in which to perfect the aforesaid appeal (M-5306/M-5186),

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 enlarging the time in which to perfect the appeal to the May 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

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

-----X
Yehuda Keller, et al.,
Plaintiffs-Appellants,

-against-

M-5326
Index No. 652408/10E

Merchant Capital Portfolios, LLC,
et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect their appeal from the order of the Supreme Court, New York County, entered on or about January 25, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 21, 2010 for the May 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

Respondent,

-against-

M-5116
Ind. No. 519/09

Natasha McCullough,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about May 24, 2011,

And defendant-appellant having moved for a continuation of a stay of execution of sentence granted by an order of a Justice of this Court on July 19, 2011, 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 on condition the appeal is perfected for the June 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on December 27, 2011.

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

-----X

Kathryn Donnelly,

Plaintiff-Petitioner,

-against-

Ronnen Gur-Aire,

Defendant-Respondent.

-----X

M-4847
Index No. 083/10

Plaintiff-petitioner having submitted a motion to this Court for relief pursuant to CPLR 5704, for relief denied by a Justice of the Supreme Court, Queens County, on or about September 26, 2011,

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

It is ordered that the motion is 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 December 27, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
James M. Catterson
Helen E. Freedman, Justices.

-----x

In the Matter of the Application of
Venus Clay,

Petitioner,

For a Judgment, etc.,

M-4829
Index No. 400342/10

-against-

John B. Rhea, as Chairman of the
New York City Housing Authority,

Respondent.

-----x

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 2, 2010,

Now, upon reading and filing the stipulation of the parties hereto dated November 15, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Proceeding of Kevin Aoki, Kana Aoki Nootenboom, Kyle Aoki and Kenneth Podizba, as Trustees of the Benihana Protective Trust, for Relief with Respect to the Benihana Protective Trust dated June 8, 1998 by and between Rocky H. Aoki, as grantor and Kevin Aoki and Darwin C. Dornbush, as trustees, for the benefit of Rocky H. Aoki and others.

Surrogate's Court
File No. 2604/08
M-5023

-----X

Appellants Devon and Steven Aoki having moved for an enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about April 27, 2010,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for the above-captioned parties, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn.

ENTER:


CLERK

PM ORDERS

ENTERED ON

DECEMBER 27, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

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Getty Petroleum Marketing Inc.
and Getty Terminals Corp.,

Plaintiffs-Appellants,

M-5208

M-4651

-against-

Index No. 652752/11

Getty Properties Corp. and Gettymart,
Inc.,

Defendants-Respondents.

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Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 14, 2011 and November 10, 2011, respectively,

And plaintiffs-appellants having moved by separate motions, pursuant to CPLR 5519(c) to stay certain conditions of Yellowstone relief set forth in the aforesaid orders appeal from (M-5208/M-4651),

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 on condition that if not done so already in accordance with the interim relief granted by a Justice of this Court on November 18, 2011 plaintiffs deposit with the Court use and occupancy for the month of November 2011 in the amount of \$4,899,624.97, within 20 days of service of this order with notice of entry, and on the further condition that plaintiffs perfect their appeals for the April 2012 Term. Upon failure to fulfill either condition defendants-respondents may move ex parte for vacatur of the stay.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 27, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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The People of the State of New York,

Respondent,

-against-

M-4017A
Ind. No. 528/09

Sergei Khramstov,

Defendant-Appellant.

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An order of this Court having been entered on July 28, 2011 (M-2448), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 28, 2009, and assigning Richard M. Greenberg, 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 Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal. Otherwise 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. (The order of this Court entered on December 6, 2011 [M-4017] is hereby recalled and vacated.)

ENTER:


CLERK