

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
In the Matter of the Application of
Aminya Rock,
Petitioner,

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

M-3429
Index No. 401354/12

-against-

John B. Rhea, as Chairperson and
Member 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 December 20, 2012,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and upon a reproduced petitioner's brief, for a stay of a concurrent summary eviction holdover proceeding pending resolution of an Article 78 petition with respect to respondent's determination to terminate her tenancy, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and files 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The stay of execution of any final judgment of eviction is granted on condition petitioner perfects the proceeding on or before September 30, 2013 for the December 2013 Term. The motion is otherwise denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

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

Nakia C.,
Petitioner-Appellant,

M-3469
Docket No. O-30920/11

-against-

Johnny F. R.,
Respondent-Respondent.

-----X
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about January 15, 2013, and said appeal having been perfected,

And respondent-respondent having moved for leave to respond to the appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NYY 10601, Telephone No. 914-949-8214, 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. Sua sponte, the appeal is adjourned to the December 2013 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----x

Bedford Hotel, Inc.,
Plaintiff-Appellant,

-against-

M-3547
Index No. 100187/13

William Rand, et al., etc.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 2, 2012,

And plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction, inter alia, enjoining defendants from terminating the subject lease,

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

It is ordered that the motion is granted to the extent of staying all proceedings related to the termination of the subject lease including, but not limited to, any holdover proceedings, on condition plaintiff perfects the appeal on or before September 3, 2013 for the November 2013 Term, and otherwise denied.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 1, 2013.

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

-----X
TSI Soho, LLC, formerly known as TSI
Soho, Inc.,
Plaintiff-Appellant,

-against-

M-3663
Index No. 651941/13

503 Broadway, LLC,
Defendant-Respondent.

-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court vacating or modifying the order of the Supreme Court, New York County, entered on or about July 8, 2013, which granted defendant's application for a temporary restraining order to the extent of imposing certain restrictions and requirements upon activities of plaintiff's patrons in designated areas of the demised premises,

And an order of a Justice of this Court, dated July 12, 2013, having granted plaintiff a stay of the aforesaid order of the Supreme Court, entered on or about July 8, 2013,

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

It is ordered that the stay granted by order of a Justice of this Court on July 12, 2013 is vacated; the conditions imposed in the Order to Show Cause containing a temporary restraining order entered on or about July 8, 2013 which conditions were incorporated by reference into the order endorsed upon the aforesaid July 8, 2013 Order to Show Cause, on May 31, 2013 (Motion Sequence No. 001), are modified to require that the signage be posted as heretofore directed and

that plaintiff provide periodic monitoring of equipment usage in the free weight and weight machine areas at its facility utilizing its existing staff and to direct that a hearing concerning (1) the amount of a sufficient undertaking, if any, to be posted by defendant to cover plaintiff's potential damages from complying with the aforesaid conditions, and (2) the merits of the preliminary injunction sought by defendant be held by the IAS court as soon as practicable. The motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
Mark Levine,
Plaintiff-Appellant-Respondent,

-against-

M-3163X
Index No. 113807/08

Citnalta Construction Corp., The City
of New York and The School Construction
Authority,
Defendants-Respondents-Appellants.

-----X
The City of New York and The School
Construction Authority,
Third-Party Plaintiffs-Respondents,

-against-

Third-Party
Index No. 591143/09

Bostwick Purcell Architects P.C.,
Third-Party Defendant-Appellant.

-----X

Appeals and a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 28, 2013 (mot. seq. nos. 002-003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 6, 2013, and due deliberation having been had thereon,

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

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Linda Grant Williams,
Plaintiff-Appellant,

-against-

Citigroup, Inc., et al.,
Defendants-Respondents.

M-2265
Index No. 650481/10

-----X

Defendants-respondents having jointly 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 March 19, 2013 (Appeal No. 9430-9431),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
David B. Saxe, Justices.

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

-against-

Alfredo Victoria, also known as
Alfredo Victorio, also known as
Alfredo Victorial,
Defendant-Appellant.

M-1886
Ind. Nos. 4407/97
4404/97

-----X

A decision and order of this Court having been entered on December 2, 2003 (Appeal No. 2357), unanimously affirming a judgment of the Supreme Court, Bronx County (Frank Torres, J.), rendered on December 7, 1999,

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

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

It is ordered that said application is denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-
Frank Feliciano,
Defendant-Appellant.

M-2897
Ind. No. 2543/09
Case No. 21562C/09

-----X

Defendant having moved for an enlargement of time in which to file notices of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 31, 2013, and from the judgment of **resentence** of said Court rendered on or about April 18, 2013,

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

It is ordered that the motion is granted to the extent of deeming the notices of appeal timely filed.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische, Justices.

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

Respondent,

-against-

M-2902
Case Nos. 4865C/11
3865C/11

Andre Paul,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 28, 2012, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische, Justices.

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

-against-

M-2961
Ind. No. 3502/12

Anthony Gatling,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 26, 2013, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli,
Karla Moskowitz
Judith J. Gische, Justices.

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

-against-

M-2962
Ind. No. 5553/11

David Pagan,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 22, 2012, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische, Justices.

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

-against-

M-2963
Ind. No. 4723/11

Joseph Zaroni,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 14, 2013, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische, Justices.

-----X

Gerald Boyd,
Plaintiff-Respondent,

-against-

New York City Housing Authority,
Defendant-Appellant.

M-2805
Index No. 310500/10

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 16, 2013 (Appeal No. 9724),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

-----X

In re State of New York
- Unified Court System,
Petitioner-Appellant,

M-2389

Index No. 402231/11

-against-

Association of Surrogate's and
Supreme Court Reporters Within
the City of New York,
Respondent-Respondent.

-----X

Respondent-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 March 28, 2013 (Appeal No. 9664N),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X

Crossroads ABL LLC,
Plaintiff,

Crossroads Financial Services, LLC,
Plaintiff-Respondent,

-against-

M-2475
Index No. 651268/11

Canaras Capital Management, LLC, et al.,
Defendants,

Quad-C Funding, LLC
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 25, 2013 (Appeal No. 9892),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman, Justices.

-----X
Saleh A. Ahmed,
Petitioner-Appellant,

-against-

M-2573
Index No. 401064/12

David H. Yin, etc., et al.,
Respondents-Respondents.
-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about October 11, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
Anthony Dawson,
Plaintiff-Appellant,

-against-

M-2901
Index No. 303492/08

Metropolitan Exposition Services,
Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 6, 2012,

And defendant-respondent Larry's Lighthouse Marina having moved to dismiss the aforesaid appeal, for failure to timely perfect,

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

Ordered that the motion is granted and the appeal is dismissed, with respect to movant Larry's Lighthouse Marina.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X

In the Matter of

Gina C.,
Petitioner-Respondent,

-against-

M-2977
Docket No. F-5053-05/11D

Augusto C.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 13, 2013, 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, Richard L. Herzfeld, Esq., 104 West 40th Street 20th Floor, New York, NY 10018, Telephone No. (212) 818-9019, 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.

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

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X

In the Matter of

Malachi Isaiah L.,
Shamel Davion L.,
Mariah Ashley L., and
Cashmere Antwione L.,

Pursuant to an Adoption Surrender Proceeding Under Article 6 of the Family Court Act.

Administration for Children's Services,
Petitioner-Respondent,

M-3138
Docket Nos. AS-20919/10
AS-20920/10
AS-28306/11
AS-28307/11

Shaquana M.-L.,
Respondent-Appellant.

Ava Gutfriend, Esq.,
Attorney for the Children
Malachi Isaiah L., Shamel Davion
L. and Mariah Ashley L.,

Elizabeth Posse, Esq.,
Attorney for the Child Cashmere
Antwione L.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 21, 2013, 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, Ste. 2582, 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:



DEPUTY 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 August 6, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

Kerry S.,
Petitioner-Respondent, **M-3192**
Docket No. P-21306/12

-against-

Avelda B.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 6, 2013, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;**

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

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

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

Omari M.,
Petitioner-Appellant,

M-3243
Docket Nos. V-21349-50/12

-against-

Amanda M., et al.,
Respondents-Respondents.

-----X

Respondent-respondent Amanda M. having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about January 9, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----x
In the Matter of the Application of
Robin Cherry,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-3147
of the CPLR, etc., Index No. 103272/12

-against-

Riverbend Housing, Inc., et al.,
Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 22, 2013,

And petitioner-appellant, pro se, having moved for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for a stay of eviction pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of staying eviction proceedings pending hearing and determination of the aforesaid appeal on condition the appeal is perfected on or before September 30, 2013 for the December 2013 Term, and it is further,

Ordered that the motion, to the extent it seeks poor person relief, is denied, with leave to renew upon a detailed notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount of unemployment benefits received, and any other sources of his income and listing his property with its value.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-1674
Ind. No. 3723/82

Wilfredo Gonzalez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 27, 1985 (Appeal No. 23963), unanimously affirming a judgment of the Supreme Court, Bronx County (David Stadtmauer, J.), rendered on September 26, 1983,

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

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

It is ordered that said application is denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
Gerald Lieblich, et al.,
Plaintiffs-Appellants,

-against-

M-2091
Index No. 104523/11

Peter J. Pruzan, etc.,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 12, 2013 (Appeal No. 9475),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-4582
Ind. No. 3805/00

Morris Natal,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about January 8, 2003,

And defendant-appellant having moved for an order enlarging the record on appeal to include certain minutes in connection with the aforesaid appeal,

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

It is ordered that the motion is denied as academic.

ENTER:


DEPUTY CLERK

CORRECTED ORDER - AUGUST 22, 2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In re Luz Solla,

Petitioner-Appellant,

-against-

M-2577

Index No. 401178/11

Elizabeth Berlin, etc., et al.,
Respondents-Respondents.

Peter Vollmer,
Amicus Curiae.

-----X
Respondent, **Elizabeth Berlin, Executive Deputy Commissioner of the NYS Office of Temporary and Disability Assistance**, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 5, 2013 (Appeal No. 7847 & M-2259),

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

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

"Was the order of this Court, which reversed the order and judgment (one paper) 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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
Mark A. Smith,
Plaintiff-Appellant,

-against-

The Girls Club of New York,
Defendant-Respondent.

M-2094
Index Nos. 570657/10
1740/01

-----X

Plaintiff-appellant, pro se, 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 13, 2012,

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

It is ordered that the motion is 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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X

In re Misba Uddin,
Petitioner-Appellant,

-against-

M-2954
Index No. 102739/12

New York City Taxi and Limousine
Commission,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for reargument/reconsideration of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered May 21, 2013 (Appeal No. 10114),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Maria Caraballo,
Petitioner,

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

M-2746
M-2879
Index No. 401630/10

-against-

New York City Housing Authority
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 1, 2011,

And petitioner, pro se, having moved for an order enlarging the time to perfect the proceeding, and for leave to prosecute said proceeding as a poor person, upon the original record and reproduced petitioner's brief (M-2746),

And respondent having cross-moved for an order dismissing the aforesaid proceeding (M-2879),

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 petitioner's motion is denied (M-2746). Respondent's cross motion (M-2879) is granted and the proceeding is dismissed, as academic.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
In re Paulet Facey,
Petitioner-Appellant,

-against-

M-2830
Index No. 403202/10

New York City Department of Education,
Respondent-Respondent.
-----X

Petitioner-appellant, pro se, having moved for reargument of the decision and order of this Court entered on April 16, 2013 (Appeal No. 9799),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Darcel D. Clark, Justices.

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

ex rel. Kenley Stanislas,
Petitioner-Appellant,

M-2275
Index No. 340252/12

-against-

Warden, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the purported appeal from an order of the Supreme Court, Bronx County, entered on or about July 18, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for the assignment of counsel,

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

It is ordered that the motion is denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

M-2765

DC #74

-against-

M-2852

Ind. No. 2594/10

Charles Smith,
Defendant-Appellant.

-----X

An appeal having been taken by defendant from a judgment of the Supreme Court, New York County, rendered on or about November 16, 2010,

And Robert S. Dean, Esq., assigned counsel for defendant-appellant, having moved for an enlargement of time to perfect the aforesaid appeal or, in the alternative, for dismissal of the said appeal (M-2765),

And the People having cross-moved for dismissal of the aforesaid appeal (M-2852),

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

Ordered that the motion is denied (M-2765). The cross motion is granted and the appeal is dismissed (M-2852).

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

-----X
Greenfield Stein & Senior, LLP,
Plaintiff-Respondent,

-against-

M-2806

M-2994

Sandra Holley-Angé, individually
and as Administrator of the Estate
of Jean-Paul Angé,
Defendant-Appellant.

Index No. 107934/11

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 21, 2012,

And plaintiff having moved for an order dismissing the aforesaid appeal, and for sanctions against defendant (M-2806),

And defendant-appellant having cross-moved for sanctions against plaintiff (M-2994),

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 plaintiff-respondent's motion is granted to the extent of dismissing defendant's appeal, and otherwise denied (M-2806). Defendant-appellant's cross motion is denied (M-2994).

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

Branic International Realty Corp.,
Petitioner-Respondent,

-against-

M-2984

Index No. 570284/10

Phillip Pitt, etc.,
Respondent-Appellant,

"John Doe," et al.,
Respondents.

-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 16, 2013 (Appeal No. 9453 & M-363),

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

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

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

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

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

James Overton,
Defendant-Appellant.

M-2095
Ind. Nos. 562/05
2016/05

-----X

A decision and order of this Court having been entered on October 29, 2009 (Appeal No. 1328), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzel, J.), rendered on November 26, 2007,

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

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

It is ordered that said application is denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Kevin Pludeman, et al.,
Plaintiffs-Appellants-Respondents,

-against-

Northern Leasing Systems, Inc., et al.,
Defendant-Respondents-Appellants.

M-3078
Index No. 101059/04

-----X

Plaintiffs-appellants-respondents having moved for reargument/clarification of the decision and order of this Court entered on May 23, 2013 (Appeal No. 9847),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Dennis Ortiz, etc., et al.,
Plaintiffs-Appellants,

-against-

M-2823
Index No. 28541/01

New York City Housing Authority,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 25, 2013 (Appeal No. 9904),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X

In re Miguel Rodriguez,
Petitioner,

-against-

New York City Housing Authority,
Respondent.

M-3061
Index No. 402217/11

-----X

Petitioner, pro se, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 21, 2013 (Appeal No. 9326),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

In re Peter Licata,
Petitioner-Appellant,

-against-

M-2812
Index No. 110705/11

The Department of Citywide
Administrative Services, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 11, 2013 (Appeal No. 9795),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

-against-

M-2988
Ind. No. 3767/12

Delanta Spires,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 19, 2012, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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, NY 10007, Telephone No. (212)402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

-against-

M-2990
Ind. No. 2290/11

Arthur Murillo,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 12, 2013, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels Justices.

-----X

Kristen Rhea Van Liew,
Plaintiff-Respondent,

-against-

M-5009
Index No. 100297/09

The Heights Management
Company, LLC, et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 27, 2013 (Appeal No. 8112),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

Present - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman Justices.

-----x

The People of the State of New York,

Respondent,

-against-

M-640

Ind. No. 3323/05

Esmeraldo Hernandez,

Defendant-Appellant.

-----x

An order of this Court having been entered on April 6, 2010 (M-270), dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about October 27, 2006,

And retained counsel for defendant, Jorge Guttlein, Esq., having moved to be relieved as counsel in connection with the aforesaid appeal,

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

It is ordered that the motion is denied as unnecessary, the appeal having been dismissed.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Camille San Filippo,
Plaintiff-Appellant,

-against-

The New York City Transit Authority,
Defendant-Respondent,

Metropolitan Transportation Authority,
et al.,
Defendants.

M-2848
Index Nos. 400111/04
400280/04

- - - - -
Jannet Velez,
Plaintiff-Appellant,

-against-

The New York City Transit Authority,
Defendant-Respondent,

Metropolitan Transportation Authority,
et al.,
Defendants.

-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 30, 2013 (Appeal No. 9174-A),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

Richard Bahamonte,
Defendant-Appellant.

M-2676
Ind. Nos. 1355N/06
3564/08

-----X

A decision and order of this Court having been entered on November 10, 2011 (Appeal No. 5997), unanimously affirming a judgment of the Supreme Court, New York County (Daniel Fitzgerald, J.), rendered on July 2, 2010,

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

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

It is ordered that said application is denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X

In the Matter of the Application of
Wendell Hauser,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-2989
of the Civil Practice Law and Rules, Index No. 400084/12

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

An order of this Court having been entered on February 21, 2013 (M-5769) having denied petitioner-appellant's motion for a stay of eviction and for leave to file a late notice of appeal from the order of the Supreme Court, New York County, entered on or about June 25, 2012,

And petitioner-appellant, pro se, having moved for reargument of the aforesaid order of this Court entered February 21, 2013 (M-5769),

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

It is ordered that the motion is denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
Ricardo Mendez,

Plaintiff-Appellant,

-against-

M-3124

Index No. 113227/10

The City of New York and Carlos
Brizuela,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 18, 2012, and said appeal having been perfected,

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

It is ordered that the motion is granted.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X

In the Matter of:
2363523 Ontario Inc.,
Petitioner,

M-3380
Index No. 652042/13

-against-

Steven Nowack,
Respondent.

-----X

Petitioner having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about June 11, 2013,

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

Ordered that the motion is denied, without prejudice to further proceedings in the Supreme Court.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----x

Panasia Estates, Inc.,
Plaintiff-Appellant,

-against-

Index No. 602472/05

Hudson Insurance Company,
Defendant-Respondent.

- - - - -

M-3443

Panasia Estates, Inc.,
Plaintiff-Appellant,

-against-

Index No. 603848/06

UTC Risk Management Services,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about May 31, 2012 and June 5, 2012, respectively, and said appeal having been perfected,

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

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

It is ordered that the motion is granted and the appeal is adjourned to the November 2013 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----x
Tower Insurance Company of New York,

Plaintiff-Appellant,

-against-

Jamal Ahmad, et al.,

Defendants-Respondents.
-----x

M-3106
Index No. 112516/10

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 27, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
Aetna Health Inc. and Aetna Life
Insurance Company,
Plaintiffs-Respondents,

-against-

M-3310
Index No. 652819/11

Ramim Rak, M.D., et al.,
Defendants,

Shuriz Hishmeh, M.D. and LI Spine
Center,
Defendants-Appellants.

-----X
Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 13, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----x
In the Matter of the Guardianship of
the Person and Custody of

Alani P. G., and
Demetrius M. G.,

Children Under 18 Years of Age Alleged
to be Neglected under § 384-b of the
Social Services Law of the State of
New York and/or Article 6 of the
Family Court Act.

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

M-3386
Docket Nos. B-3998-9/11

Angelica G., also known as Angela
G.,
Respondent-Appellant.

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

-----x
Respondent-appellant having moved for an enlargement of time to perfect the appeal from orders of the Family Court, New York County, entered on or about October 1, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before September 3, 2013 for the November 2013 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----x

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

-against-

M-3444
Index No. 302331/11

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

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

-----x

Defendant-appellant AMCC Corp. having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 10, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before September 3, 2013 for the November 2013 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----x
Juan Guzman,
Plaintiff-Respondent,

-against-

Index No. 22821/05

170 West End Avenue Associates, et al.,
Defendants-Appellants-Respondents.

- - - - -

M-3164

170 West End Avenue Owners Corp.,
Third-Party Plaintiff-Appellant-
Respondent,

M-3197

-against-

Index No. 85244/06

Kay Waterproofing Corp.,
Third-Party Defendant-
Respondent-Appellant.

- - - - -

[And other actions]

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about August 28, 2012,

And third-party defendant Kay Waterproofing Corp. (M-3164) and defendant-third-party plaintiff 170 West End Avenue Associates, et al. (M-3197) having separately moved for an enlargement of time to perfect the appeal and cross appeal,

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 to perfect the appeal and cross appeal to the November 2013 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
Lafayette Boynton Housing Corporation
and World Class Management Inc.,
Plaintiffs-Appellants/Plaintiffs-
Respondents,

M-3365

Index No. 306111/10

-against-

First Mercury Insurance Company,
Defendant-Respondent/Defendant-
Appellant.

-----X
Plaintiffs having taken an appeal from an order of the Supreme Court, Bronx County, entered on or about September 7, 2012,

And defendant having taken an appeal from an order of the same Court, entered on or about May 30, 2013,

And plaintiffs having moved for consolidation of the aforesaid appeals, and for an enlargement of time 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 enlarging plaintiff's time to perfect their appeal from the order entered on or about September 7, 2012 to the November 2013 Term and otherwise denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X

Thomas Summer, et al,

Plaintiffs-Respondents,

-against-

M-3500

Index No. 114295/11

Ruckus 85 Corp.,

Defendant-Appellant,

Charles Grooms, et al.,

Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 2, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term, with no further enlargements to be granted.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
In the Matter of the Application of
Nancy Wilson,
Petitioner-Respondent,

-against-

M-3141
Index No. 401475/10

New York City Police Department License
Bureau,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect an appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 20, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2013 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
Lauren Bisk,

Plaintiff-Appellant,

M-3324

Index No. 108860/07

-against-

Cooper Square Realty, Inc., et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant, pro se, having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 24, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before September 30, 2013 for the December 2013 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that defendants-respondents serve a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
Georgi Eremeyev,
Plaintiff-Appellant,

Olga Eremeyev,
Plaintiff,

M-3343
Index No. 250078/12

-against-

Mount Sinai Hospital, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 1, 2012,

And plaintiff-appellant having moved for an enlargement of time to perfect the aforesaid appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2013 Term, and is otherwise denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X

Ramsen Arias, an Infant, by his Mother
and Natural Guardian, Lisa Arias, and
Lisa Arias, Individually,
Plaintiffs-Respondents,

M-3345

Index No. 23012/06

-against-

New York City Housing Authority,
Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about April 12, 2013, April 15, 2013 and April 16, 2013, respectively,

And defendant having moved for consolidation of the aforesaid appeals, and to stay trial pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of consolidating the aforesaid appeals and staying the trial on condition the consolidated appeals are perfected on or before September 30, 2013 for the December 2013 Term. Defendant is permitted to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
In the Matter of the Application of
Daryoush Hendessi,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-3349**
of the Civil Practice Law and Rules, Index No. 101520/11

-against-

New York College of Osteopathic Medicine
of New York Institute of Technology,
Respondent-Respondent.
-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 13, 2012,

And Stewart Lee Karlin, Esq., counsel for petitioner-appellant having moved to withdraw as appellate counsel, and for an enlargement of time for said petitioner 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 permitting Stewart Lee Karlin, Esq., counsel for petitioner-appellant, to withdraw as counsel on the appeal, and enlarging petitioner's time to perfect said appeal to the December 2013 Term.

ENTER:



DEPUTY CLERK

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-2022
Ind. No. 10358/92

-against-

CERTIFICATE
DENYING LEAVE

Anthony Banks a/k/a Jalil Abdurraheem,
Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, (Ruth Pickholz, J.), entered on or about November 9, 2012, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
June 28, 2013

Entered: AUG 6 2013



Justice of the Appellate Division

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-2267
Ind. No. 4023/99

-against-

CERTIFICATE
DENYING LEAVE

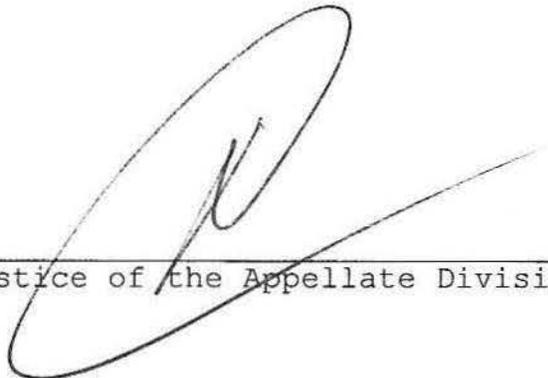
Moises Figueroa, also known as Moses
Figueroa,

Defendant.
-----X

I, Richard T. Andrias, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law Section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the Order of the Supreme Court, New York County,
(Richard D. Carruthers, J.), entered on or about March 13, 2013
is hereby denied.

Dated: New York, New York
July 10, 2013

Entered: AUG 6 2013



Justice of the Appellate Division

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

-against-

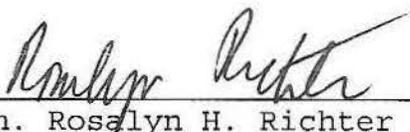
Diogenes Rosario,

Defendant.
-----X

M-2272
Ind. No. 6122-96
Ind. No. 6923-96

CERTIFICATE
DENYING LEAVE

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 1, 2013, is hereby denied.



Hon. Rosalyn H. Richter

Dated: June 24, 2013
New York, New York

ENTERED: AUG 6 2013

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

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

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

M-2264
Ind. No. 2260/95

-against-

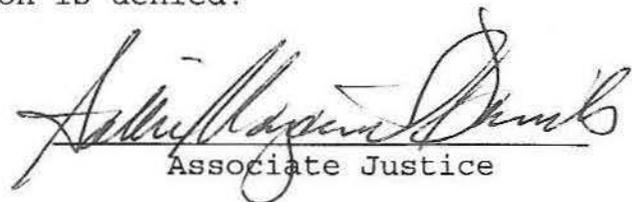
Thomas Riley,

Defendant.

-----X
The above-named defendant having moved for leave to appeal to the Court of Appeals from the order of a Justice of this Court entered December 6, 2012, which denied defendant's application for reargument of the order entered May 29, 2012, denying his motion for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, for leave to appeal the order of the Supreme Court, Bronx County, dated March 29, 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.


Associate Justice

Dated: May 30, 2013
New York, New York

ENTERED: **AUG 6 2013**

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

BEFORE: Hon. Paul G. Feinman,
Justice of the Appellate Division

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

M-2904
Ind. No. 6651/97

-against-

CERTIFICATE
DENYING LEAVE

Leonardo Gabriel,

Defendant.
-----X

I, Paul G. Feinman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Analisa Torres, J.), entered on or about March 13, 2013, is hereby denied.



Justice

Dated: New York, New York
July 1, 2013

Entered: **AUG 6 2013**

PM ORDERS

ENTERED ON

AUGUST 6, 2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----X
In the Matter of the Application of
Aminya Rock,
Petitioner,

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

M-3429
Index No. 401354/12

-against-

John B. Rhea, as Chairperson and
Member 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 December 20, 2012,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and upon a reproduced petitioner's brief, for a stay of a concurrent summary eviction holdover proceeding pending resolution of an Article 78 petition with respect to respondent's determination to terminate her tenancy, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and files 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The stay of execution of any final judgment of eviction is granted on condition petitioner perfects the proceeding on or before September 30, 2013 for the December 2013 Term. The motion is otherwise denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

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

Nakia C.,
Petitioner-Appellant,

M-3469
Docket No. O-30920/11

-against-

Johnny F. R.,
Respondent-Respondent.

-----X
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about January 15, 2013, and said appeal having been perfected,

And respondent-respondent having moved for leave to respond to the appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NYY 10601, Telephone No. 914-949-8214, 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. Sua sponte, the appeal is adjourned to the December 2013 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 6, 2013.

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

-----x

Bedford Hotel, Inc.,
Plaintiff-Appellant,

-against-

M-3547
Index No. 100187/13

William Rand, et al., etc.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 2, 2012,

And plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction, inter alia, enjoining defendants from terminating the subject lease,

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

It is ordered that the motion is granted to the extent of staying all proceedings related to the termination of the subject lease including, but not limited to, any holdover proceedings, on condition plaintiff perfects the appeal on or before September 3, 2013 for the November 2013 Term, and otherwise denied.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 1, 2013.

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

-----X
TSI Soho, LLC, formerly known as TSI
Soho, Inc.,
Plaintiff-Appellant,

-against-

M-3663
Index No. 651941/13

503 Broadway, LLC,
Defendant-Respondent.

-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court vacating or modifying the order of the Supreme Court, New York County, entered on or about July 8, 2013, which granted defendant's application for a temporary restraining order to the extent of imposing certain restrictions and requirements upon activities of plaintiff's patrons in designated areas of the demised premises,

And an order of a Justice of this Court, dated July 12, 2013, having granted plaintiff a stay of the aforesaid order of the Supreme Court, entered on or about July 8, 2013,

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

It is ordered that the stay granted by order of a Justice of this Court on July 12, 2013 is vacated; the conditions imposed in the Order to Show Cause containing a temporary restraining order entered on or about July 8, 2013 which conditions were incorporated by reference into the order endorsed upon the aforesaid July 8, 2013 Order to Show Cause, on May 31, 2013 (Motion Sequence No. 001), are modified to require that the signage be posted as heretofore directed and

that plaintiff provide periodic monitoring of equipment usage in the free weight and weight machine areas at its facility utilizing its existing staff and to direct that a hearing concerning (1) the amount of a sufficient undertaking, if any, to be posted by defendant to cover plaintiff's potential damages from complying with the aforesaid conditions, and (2) the merits of the preliminary injunction sought by defendant be held by the IAS court as soon as practicable. The motion is otherwise denied.

ENTER:



CLERK