

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Edgewater Growth Capital Partners,
L.P., et al.,
Plaintiffs-Appellants,

-against-

M-2716X
Index No. 108641/08

Greenstar North American Holdings,
Inc.,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 9, 2013 (mot. seq. no. 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 9, 2013, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 2, 2013.

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

-----X
Barry Salzman,
Plaintiff-Respondent,

-against-

M-2776X
Index No. 300041/08

Michelle Salzman,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about October 17, 2013, and from an order of the same Court entered on or about December 23, 2011, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 13, 2013, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 2, 2013.

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

-----X
In the Matter of

Vincent R.,

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

M-2181
Docket No. NN-453/10

- - - - -
Administration for Children's
Services,
Petitioner-Respondent,

Aisha L.,
Respondent-Appellant.

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

-----X

An appeal having been taken from the Order of Fact Finding of the Family Court, Bronx County, entered on or about June 6, 2011, and from an Order of Disposition of said Family Court, entered on or about December 15, 2011,

And the attorney for the child having moved to withdraw the aforesaid appeal,

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

Ordered that the motion is granted and the appeal 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 July 2, 2013.

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

-----X
In the Matter of Daniel Pelli,
Petitioner,

For an Order, etc.,

-against-

M-2700
DC #19
Index No. 104039/06

New York City Loft Board,
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 October 17, 2006,

And said proceeding 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 May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

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

Ordered that the aforesaid proceeding is dismissed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Yolanda Moorjaney,

Petitioner-Appellant,

-against-

Department of Education,

Respondent-Respondent.
-----X

M-2696
DC #15
Index No. 113794/08

An appeal having been taken by petitioner from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 10, 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 May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Renee Morrell,

Plaintiff-Appellant,

-against-

New York City Department of Education,

Defendant-Respondent.
-----X

M-2697
DC #16
Index No. 106761/10

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about May 25, 2011,

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 May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
New Fuzhou Senior Association,

Plaintiff-Appellant,

-against-

Chaoxiang Lin,

Defendant-Respondent.
-----X

M-2698
DC #17
Index No. 104203/10

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about March 23, 2012,

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 May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X

Quantuck Farms Inc., also known as
Quantuck Farms Corp.,

Plaintiff-Respondent,

-against-

James Becht, et al.,

Defendants-Appellants.

M-2701
DC #20
Index No. 107683/06

-----X

An appeal having been taken by defendants from the order of the Supreme Court, New York County, entered on or about October 30, 2007,

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 May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
In the Matter of Jose Sanchez,
Petitioner-Appellant,

For an Order, etc.,

-against-

New York City Housing Authority,
Respondent-Respondent.

M-2705
DC #24
Index No. 401350/11

-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about November 1, 2011,

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 May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Claude Stephens,
Petitioner-Appellant,

For an Order, etc.,

-against-

State of New York, etc.,
Respondent-Respondent.

M-2707
DC #26
Index No. 107449/09

-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about July 21, 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 May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Juan L. Velazquez,

Plaintiff-Appellant,

-against-

New York City Support Collection
Unit,

M-2710
DC #29
Index No. 104930/11

Defendant-Respondent.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about September 29, 2011,

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 May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1590
Ind. Nos. 47/12
2450/12

Bernard Moultre, also known as
Little Bro, also known as Little
Brother,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 15, 2012, and for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as timely filed, and permitting the appeal to be heard upon 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.

Peter H. Daily, Esq., 413 West 148th Street, New York, NY 10031, Telephone No. (212) 678-6328, 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 in the County of New York on July 2, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
LFR Collections, LLC, as Acquirer of
Certain Assets of The Stillwater Asset-
Backed Fund, LP,
Plaintiff-Respondent,

M-2790
Index No. 652666/11

-against-

The Matthews Law Firm and W. Douglas
Matthews,
Defendants-Appellants.

-----X

Appeals having been taken from the judgment of the Supreme Court, New York County, entered on or about June 1, 2012, and from the order of said Court entered on or about January 29, 2013, respectively,

And defendants-appellants having moved for a stay of enforcement of the aforesaid judgment 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 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 July 2, 2013.

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

-----X
Ariel Roman,
Plaintiff-Appellant,

-against-

M-2908
Index No. 16471/06

Tishman Construction Corporation of
New York, et al.,
Defendants-Respondents.

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

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 26, 2012,

And plaintiff-appellant having moved for a stay of the order of the Supreme Court, Bronx County, entered on or about May 15, 2013, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David Friedman
Darcel D. Clark, Justices.

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

-against-

M-2263
Ind. No. 5763/01

Jerry Lineberger,
Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on June 30, 2005 (Appeal No. 6384-84A),

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 July 2, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

In re Start Elevator, Inc.,
Petitioner-Appellant,

-against-

M-2298
Index No. 104620/11

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

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 14, 2013 (Appeal No. 9523),

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 July 2, 2013.

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

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

-against-

M-2807
Ind. No. 1373/09

Michel Toliver, also known as Michael Toliver,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 3, 2013 (Appeal No. 8942), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on September 13, 2010,

And an order of this Court having been entered on April 23, 2013 (M-1137) denying defendant-appellant's motion for substitution of counsel and alternative relief,

And defendant-appellant, pro se, having moved for renewal of the aforesaid decision and order of this Court entered on April 23, 2013 (M-1137), or 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 so much of the motion seeking renewal is granted, and upon renewal, 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 July 2, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-1999
Ind. No. 4974/10

Melvin E. Pinkston,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 10, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the 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, 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 July 2, 2013.

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

-----X

Marcela B.,
Petitioner-Appellant,

-against-

M-2960
Docket Nos. V-13605-6/12
V-21190-91/12

David M.,
Respondent-Respondent.

Jo Ann Douglas, Esq.,
Attorney for the Children.

-----X

Petitioner-appellant pro se 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 July 27, 2012, and for leave to prosecute said appeal as a poor person, and assignment of appellate counsel to prosecute 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 to perfect the appeal to the November 2013 Term. 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 July 2, 2013.

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

-----X
Francoise Jean-Baptiste,
Plaintiff-Appellant,

-against-

M-2570
Index No. 103042/07

153 Manhattan Avenue Housing
Development Fund Corp.,
Defendant-Respondent.

(And a third-party action)
-----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 July 17, 2012 (mot. seq. no. 005),

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:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----x
Sarah Robbins,
Plaintiff-Respondent,

-against-

M-3054
Index No. 350082/11

Cory Robbins,
Defendant-Appellant.
-----x

Appeals having been taken to this Court by defendant-appellant from an order of the Supreme Court New York County, entered on or about September 14, 2012 and from an order of the same Court and Justice entered on or about April 24, 2013 (mot. seq. no. 002), respectively,

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

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

It is ordered that the motion is granted 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 the November 2013 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 July 2, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Paul G. Feinman, Justices.

-----X

Carolyn Halls,
Plaintiff-Appellant,

-against-

M-2147
Index No. 23631/06

Nejat Kiyici, M.D., and Aylin Kiyici,
M.D.,
Defendants-Respondents.

-----X

Defendant-respondent Nejat Kiyici, M.D. 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 14, 2013 (Appeal No. 9067),

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 July 2, 2013.

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

-----X
Eugene Tenenbaum,
Plaintiff-Appellant,

Pursuant to §87 of the Private
Housing Finance Law,

M-3073

-against-

State Commissioner of Housing and
Community Renewal,
Defendant-Respondent.
-----X

An order of this Court having been entered on May 21, 2009 (M-1908), dismissing an appeal taken by plaintiff from an order of the Supreme Court, New York County, entered on or about March 20, 2009,

And an order of this Court having been entered on August 11, 2009 (M-3100) vacating the aforesaid order of this Court entered on May 21, 2009 (M-1908), and reinstating plaintiff's appeal and directing plaintiff to perfect said appeal for the December 2013 Term,

And plaintiff-appellant having moved for an order vacating the aforesaid order of this Court entered on May 21, 2009 (M-1908) which dismissed plaintiff's appeal, and granting leave to prosecute, as a poor person, the appeal from the order of Supreme Court, New York County, entered on or about March 20, 2009, 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 plaintiff-appellant serves one copy of such brief upon the attorney for defendant-respondent and file 8 copies of such brief, together with the original record, with this Court. Plaintiff-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks to vacate the prior order of this Court dismissing plaintiff's appeal is denied as academic (see the order of this Court entered on August 11, 2009 [M-3100]). Sua sponte, the time to perfect the appeal is enlarged to the November 2013 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 July 2, 2013.

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

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

-against-

M-2145
Ind. No. 4000/10

Henry Brown,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 1, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the 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, 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 July 2, 2013.

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

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

-against-

M-2308
Ind. No. 5890N/11

Mariandis Almonte,
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 June 18, 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.

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 July 2, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

In the Matter of

Yezaillyne P.-H. and
Yecllyne P.-H.,

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

M-2983
Docket Nos. NN-34127/11
NN-34128/11

Administration for Children's
Services,
Petitioner-Respondent,

Jose P. V.,
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 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, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, Telephone No. (212) 972-5430, 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 July 2, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
In the Matter of

Idriss G. T. and
Salimata T.,

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

M-3006
Docket Nos. N-26146/12
N-26147/12

Center for Family Representation,
et al.,

Petitioners-Respondents,

Elima T.,
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 an Order of Fact-Finding of the Family Court, New York County, entered on or about February 13, 2013 and from an Order of Disposition of said Court, entered on or about May 10, 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, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, Telephone No. (212) 972-5430, 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 July 2, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Brigette S.,
Petitioner-Respondent,

M-2397
Docket No. F-11279-10/11B

-against-

Waheed S.,
Respondent-Appellant.

-----X
Respondent-appellant, pro se, having moved for leave to prosecute, as a poor person, the purported appeal from an order of the Family Court, New York County, entered on or about July 16, 2012, 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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Alan Dubose,
Petitioner-Appellant,

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

-against-

M-2253
Index No. 402798/11

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

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 20, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-1842
Ind. No. 2297N/11

Jeffrey Butler,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 22, 2013 (M-5603), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 23, 2012 and assigning Steven Banks, 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 Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1927
Ind. No. 5572/11

Rainiere De La Cruz,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered 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 deeming the moving papers a timely filed notice of appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Geraldo Ramos,
Plaintiff-Respondent,

-against-

M-2182
Index No. 305771/08

The Pet Market West 57th Street Inc.,
BMH Realty, Ltd., doing business as
Heller Realty and Vendome Condominium
Association,
Defendants-Appellants.

-----X
The Pet Market West 57th Street, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 83856/09

Boleshaw Dumicz, et al.,
Third-Party Defendants-Respondents

-----X

Defendants-appellants and third-party plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 19, 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 October 2013 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 July 2, 2013.

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

-----X
Neville Turner, Michelle Turner,
Plaintiffs-Appellants,

-against-

935 Eighth Ave. LLC, et al.,
Defendants-Respondents.

M-2075
Index No. 106007/09

-----X

Plaintiffs-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 June 18, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 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 July 2, 2013.

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

-----X
Sanford Mohel,
Plaintiff-Respondent,

-against-

M-2357
Index No. 302094/10

Highland Builders Group, LLC,
Defendant-Appellant,

Gavriel Plaza, Inc., et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 3, 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:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Abu Dhabi Commercial Bank P.J.S.C.,
Plaintiff-Appellant,

-against-

M-2533
Index No. 115417/10

Credit Suisse Securities (USA) LLC,
et al.,
Defendants-Respondents,

The McGraw-Hill Companies, Inc.,
Defendants.

-----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 August 3, 2012 (mot. seq. no. 005),

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:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Lorraine Angueira,
Plaintiff-Respondent,

-against-

M-3092
Index No. 102420/09

New York University Medical Center
Hospital for Joint Disease,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 6, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 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 July 2, 2013.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2392

Ind. No. 3808/06

Glenmore Foster,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 19, 2010,

And defendant-appellant having moved for an enlargement of time in which to perfect said 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 deemed solely as one for an enlargement of time to perfect the appeal from the aforesaid judgment and, as such, granted to the extent of enlarging the time to perfect the appeal to the November 2013 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 July 2, 2013.

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

-----X
Accounting by Lyndsay Howard-Zita,
Ercil Howard-Wroth and Melvin J.
Zalel, as Executors of the Estate
of Nathan S. Howard, Deceased,
Petitioners-Appellants,

-against-

M-1991
File No. 1660A-05

Gerard Penneroux,
Objectant-Respondent.

-----X
Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about December 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 granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term, with leave to seek further enlargements if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Felix Moyano and Vera Moyano,
Plaintiffs,

-against-

Gertz Plaza Acquisition, LLC, et al.,
Defendants.

M-3142
Index No. 109598/09

-----X
Gertz Plaza Acquisition, LLC, et al.,
Third-Party Plaintiff-Respondent,

-against-

Electra Cleaning Contractors,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant having moved for an order staying all proceedings, including 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 February 5, 2013,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Arthur at the Westchester, Inc.,
etc., et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-2297
Index No. 600293/10

Westchester Mall, LLC,
Defendant-Respondent-Appellant.

-----X

Plaintiffs-appellants-respondents 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. 9449),

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 July 2, 2013.

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

-----X

Celestino Dos Santos,
Plaintiff-Appellant,

-against-

M-2303
Index No. 105861/08

Consolidated Edison of New York,
Inc.,
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 March 28, 2013 (Appeal No. 8914),

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 July 2, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-1664
Ind. No. 11562/92

Robert Cabeza,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 10, 1997 (Appeal No. 61055), unanimously affirming a judgment of the Supreme Court, New York County (Clifford Scott, J.), rendered on February 23, 1994,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Darcel D. Clark, Justices.

-----X
Clara A. Steene Sharma and Charles W.
Steene, Jr.,
Plaintiffs-Appellants,

-against-

M-2503
Index No. 300056/06

Robert A. Cohen, R.A., R.A. Cohen
& Associates, et al.,
Defendants-Respondents.

And a third-party action
-----X

An order of this Court having been entered on March 28, 2013 (M-5730), deeming plaintiffs-appellants motion one for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about June 26, 2012 and, as such, denying same,

And plaintiffs-appellants, pro see, having moved for clarification and reconsideration of this Court's order entered on March 28, 2013 (M-5730),

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 July 2, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Elly Maizel Feinstein,
Plaintiff,

-against-

M-3139
Index No. 311763/07

Brad S. Feinstein,
Defendant.

-----X

Defendant having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about June 5, 2013,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

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

-against-

M-2260
Ind. No. 4075/10

Thomas P. Olsen,
Defendant-Appellant.

-----X

An appeal having been taken from judgment of the Supreme Court, New York County, rendered on or about March 28, 2012,

And defendant-appellant having moved for an order remanding this matter to the Supreme Court, New York County, for a hearing to reconstruct minutes of certain proceedings in said Court, or other relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X

Ronny Lopez,
Plaintiff-Respondent-Appellant/
Respondent,

-against-

M-2971

Index No. 20120/06

Hudson Waterfront Company, et al.,
Defendants-Appellants-Respondents/
Appellants,

Schuman Lichtenstein Clamon & Efron,
Architects, et al.,
Defendants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 31, 2012 and an appeal having been taken by defendants-appellants from an order of the same Court entered on or about September 27, 2012,

And an order of this Court having been entered on January 29, 2013 (M-5947), consolidating the appeals and cross appeals, and the consolidated appeals having been perfected,

And an order of this Court having been entered on April 9, 2013 (M-1300), enlarging the time to perfect the cross appeal to the September 2013 Term, and adjourning the aforesaid perfected appeal to said September 2013 Term,

And plaintiff-respondent-appellant having moved for an order dismissing defendants' appeals and/or to strike the joint record filed by defendants, and directing defendants to file a joint record in compliance with Rule 600.11(d), for a term to be set by this Court and directing defendants to file a supplemental record to include a certain order of the Supreme Court, New York County, entered on March 18, 2013 and the underlying motion papers,

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

Ordered that the so much of the motion seeking leave to strike the joint record filed by defendants is denied, without prejudice to plaintiff raising objections in his brief and seeking costs directly on appeal. Sua sponte, plaintiff is granted leave to file a supplemental record on appeal consisting of the order of the Supreme Court, New York County, entered March 18, 2013 and the underlying motion papers.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 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
ex rel. Heather Smith, Esq., on behalf
of Donald O'Toole,
Petitioner-Appellant,

-against-

Dora Schriro, Commissioner, New York
City Department of Corrections,
Respondent.

M-2831
Index No. 400736/13
SCID No. 30089/13

-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about May 2, 2013, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for release on his own recognizance or a bail reduction pending hearing and determination of the aforesaid appeal 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 so much of the motion seeking poor person relief is granted to the extent of directing that the appeal 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 General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Pursuant to Section 35 of the Judiciary Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court.

The motion, to the extent it seeks release on own
recognizance or a reduction of bail, 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 July 2, 2013.

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

-----X
Bayerische Landesbank, etc.,
Plaintiff-Respondent,

-against-

45 John Street LLC, et al.,
Defendants-Appellants,

My Jamie Joseph Only, Inc., et al.,
Defendants.

M-1175
Index No. 108832/09

- - - - -
45 John Street LLC, et al.,
Counterclaim Plaintiffs-Appellants,

-against-

Bayerische Landesbank, etc.,
Counterclaim Defendant-Respondent.

-----X

Defendants-appellants/counterclaim 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 January 29, 2013 (Appeal Nos. 9079-9080),

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 July 2, 2013.

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

-----X
Adelo Hernandez,
Plaintiff-Respondent,

-against-

East Boy, Inc.,
Defendant/Third-Party
Plaintiff-Appellant,

M-1872
Index Nos. 101993/09
590284/11

-against-

East Japanese Restaurant, et al.,
Third-Party Defendants-Respondents.

-----X

Defendant/third-party plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 7, 2013 (Appeal No. 9445),

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 July 2, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Wilson Padilla,
Plaintiff-Appellant,

-against-

M-2141
Index No. 304290/09

Edison Transport, Inc., et al.,
Defendants,

Tremont Dispatching Corp., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 14, 2013 (Appeal No. 9543),

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 July 2, 2013.

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

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

-against-

M-1659
Ind. No. 2332/06

Anthony Barnes,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 11, 2008 (Appeal No. 4791), unanimously affirming a judgment of the Supreme Court, New York County (Renee White, J.), rendered on June 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:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-1780
Ind. No. 2060/11

Martin Varela,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 17, 2011 (M-3779), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 16, 2011, and assigning Steven Banks, 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 Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 2, 2013.

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

-----X
Board of Education of the City
School District of the City of
New York,
Petitioner-Appellant,

For a Judgment Pursuant to Pursuant
to §3020-a(5) of the Education Law
and Article 75 of the CPLR,

M-3103
Index No. 405372/07

-against-

Alexis Grullon,
Respondent-Respondent.

-----X

Petitioner-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 April 5, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 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 July 2, 2013.

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

-----X

Bari Yunis Schorr,
Plaintiff-Respondent,

-against-

M-2674
Index No. 305587/11

David Evan Schorr,
Defendant-Appellant.

-----X

Defendant-appellant pro se having moved for a stay of proceedings to enforce a judgment entered pursuant to the order of the Supreme Court, New York County, entered on or about July 16, 2012, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is 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 July 2, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-1853
Ind. No. 2803/11

Jason Peniston,
Defendant-Appellant.

-----X

An appeal having been taken from the judgments of the Supreme Court, New York County, rendered on or about April 4, 2012,

And defendant-appellant having moved for an order enlarging the record on appeal to include, and provide the defendant with the minutes of the Grand Jury testimony and proceedings for use on the appeal, and for an enlargement of time to perfect the appeal, and other relief,

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

It is ordered that the motion is granted to the extent of enlarging the record on appeal and providing copies of the grand jury testimony, as redacted by the People, relevant to the identification procedures utilized. The time to perfect the appeal is enlarged to the December 2013 Term. 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 July 2, 2013.

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

-----X

Dinora Dendariarena,

Plaintiff-Appellant,

-against-

M-2319

Index No. 111256/07

Mount Sinai Hospital, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about May 9, 2012 (mot. seq. nos. 007, 008, 009),

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

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants-respondents, dated May 7, 2013, and the stipulation of the parties, dated April 12, 2013, and due deliberation having been had thereon, it is

Ordered that defendants-respondents' motion and plaintiff's appeal are deemed withdrawn in accordance with the aforesaid correspondence and 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 July 2, 2013.

Present: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Darcel D. Clark, Justices.

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

- - - - -
Allison S.,
Petitioner-Respondent,

M-1397
M-1398

Docket No. V-17408/10

-against-

Brook A.,
Respondent-Appellant.

- - - - -
Rosemary Rivieccio, Esq.,
Attorney for the Child.

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

- - - - -
Brook A.,
Petitioner-Appellant,

Docket No. V-17594/10

-against-

Allison S.,
Respondent-Respondent.

- - - - -
Rosemary Rivieccio, Esq.,
Attorney for the Child.

-----X

An appeal having been taken by biological mother, Brooke A., from an order of the Family Court, New York County, entered on or about September 20, 2012,

And biological mother, Brooke A., having moved for leave to prosecute the aforesaid appeal as a poor person, for the assignment of counsel, a free copy of the transcript, and for related relief (M-1397),

And Rosemary Riviecco, Esq., Family Court counsel for the subject child, having moved on said child's behalf for leave to respond to the aforesaid appeal as a poor person, to be assigned as counsel on said appeal, to direct said biological mother to pay all legal fees associated with this appeal, and for related relief (M-1398),

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

Ordered that the motions are denied.

ENTER:


CLERK

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

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

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

M-2656
Ind. No. 2667/2007

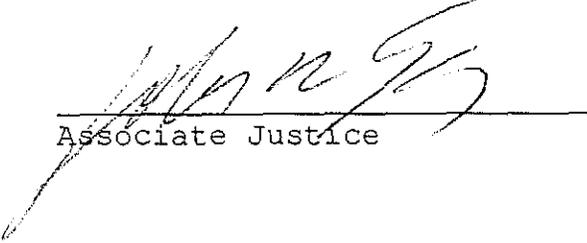
-against-

CERTIFICATE
DENYING LEAVE

Michael Brizen,

Defendant.
-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about January 2, 2013 (Daniel P. FitzGerald, J.) is hereby denied.


Associate Justice

Dated: June 17, 2013
New York, New York

ENTERED: JUL 02 2013

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

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

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

M-2875
Ind. No. 1921/07

-against-

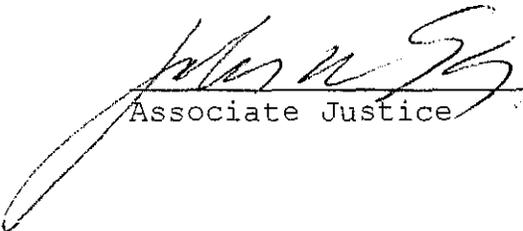
CERTIFICATE
DENYING LEAVE

Jose Tiburcio,

SEALED

Defendant.

-----X
I, John W. Sweeny, Jr., a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, sections 450.15
and 460.15, and upon the record and proceedings herein, there is
no question of law or fact presented which ought to be reviewed
by the Appellate Division, First Judicial Department, and
permission to appeal from the order of the Supreme Court, New
York County, entered on or about April 9, 2013 (Laura A. Ward,
J.) is hereby denied.


Associate Justice

Dated: June 17, 2013
New York, New York

ENTERED: **2013 JUN 17 2013**

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-2381
Ind. No. 3038/96

-against-

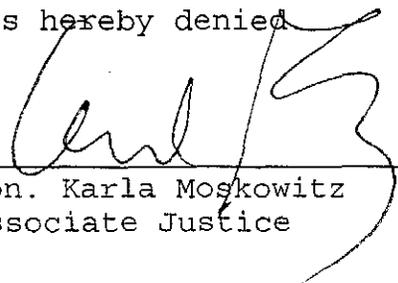
CERTIFICATE
DENYING LEAVE

Trevor Burns

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application 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 that 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 March 21, 2013, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated: *May 17*, 2013
New York, New York

ENTERED: JUL 02 2013

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-2418
Ind. No. 7454/04

-against-

CERTIFICATE
DENYING LEAVE

Maurice McCullough,
Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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, entered on or about March 26, 2013, is hereby denied.

Dated: New York, New York
May 17, 2013



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

JUL 02 2013

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

BEFORE: Hon. Darcel D. Clark
Justice of the Appellate Division

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

M - 659
Ind. No. 5326/95

-against-

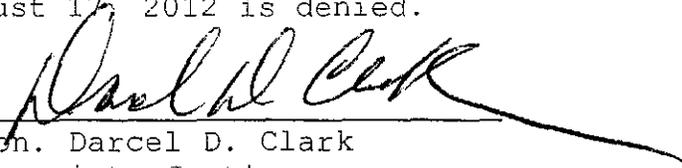
CERTIFICATE
DENYING LEAVE

Michael Kearse,

Defendant.

-----X

I, Darcel D. Clark, 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, entered on or about August 17, 2012 is denied.



Hon. Darcel D. Clark
Associate Justice

Dated: June 12, 2013
New York, New York

ENTERED: **JUL 02 2013**

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

BEFORE: Hon. Darcel D. Clark
Justice of the Appellate Division

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

M - 663
Ind. No. 5854/11

-against-

CERTIFICATE
DENYING LEAVE

Raymond Rodriguez,

Defendant.

-----X

I, Darcel D. Clark, 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, entered on or about September 19, 2012 is denied.


Hon. Darcel D. Clark
Associate Justice

Dated: June 12, 2013
New York, New York

ENTERED: JUL 02 2013

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

BEFORE: Hon. Darcel D. Clark
Justice of the Appellate Division

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

M - 1220
Ind. No. 2269/08

-against-

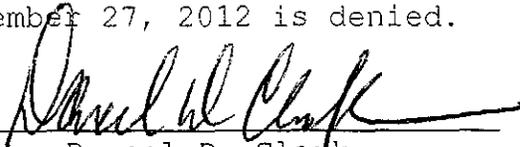
CERTIFICATE
DENYING LEAVE

Keith Waters,

Defendant.

-----X

I, Darcel D. Clark, 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, entered on or about December 27, 2012 is denied.



Hon. Darcel D. Clark
Associate Justice

Dated: June 12, 2013
New York, New York

ENTERED: **JUL 02 2013**