

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X
Odyssey Pharmaceuticals, Inc.
and PLIVA, Inc.,
Plaintiffs-Respondents,

-against-

M-4814X
Index No. 602817/09

DAVA Pharmaceuticals, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about December 10, 2012, and from an order of the Supreme Court, New York County, entered on or about October 12, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 24, 2013..

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

-----X
Dr. Andrew Koenigberg,
Plaintiff-Appellant-Respondent,

-against-

M-4815X
Index No. 652772/12

Dr. Les Wexler,
Defendant-Respondent-Appellant.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 19, 2013, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X
American Transit Insurance Company,
Plaintiff-Appellant,

-against-

M-4823
Index No. 301894/12

Jonathan Liquet,
Defendant-Respondent,

-and-

Complete Medical Care Services
of NY, P.C., et al.,
Defendants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 17, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated August 16, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X
Matthew Minnis and Cullen 130, LLC,
Plaintiffs-Appellants,

-against

M-4140
Index No. 651537/10

MP Industrial Ventures, LLC, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 4, 2012 (mot. seq. no. 003), and said appeal having been perfected,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

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

Lystra Fatimah N.,
Petitioner-Respondent,

M-3773
Docket No. O-2934/13

-against-

Rafael M.,
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 June 12, 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 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

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

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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X
In the Matter of

Clarence Daquan M. P.,
Joshua Supreme M., and
Leroy Simpson M.,

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

M-3820
Docket Nos. B-1028-30/09

Jewish Child Care Association of
New York, et al.,
Petitioners-Respondents,

JoAnne M.,
Respondent-Appellant.

Indji Bessim, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about May 22, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available 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 October 24, 2013.

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

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

Iskritsa O.,
Petitioner-Appellant,

M-4205
Docket No. O-34412/12

-against-

Steven Michael U.,
Respondent-Respondent.

-----X

Petitioner-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 July 1, 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 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

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

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:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

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

-against-

M-4545
Ind. No. 3842/09

Marc Rowley,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 24, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

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

-against-

M-4537
SCI. No. 1667/13

Derrick Faulkner,
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, Bronx County, rendered on or about July 24, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the 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 in the County of New York on October 24, 2013.

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

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

-against-

M-4409
Ind. No. 4042/02

Steve Johnson,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 11, 2013 (M-2212), inter alia, assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about March 8, 2013,

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

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

It is ordered that the motion is granted to the extent of striking the designation of successor 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 October 24, 2013.

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

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

-against-

M-4588
Ind. No. 765/12

Melvin Gardner,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 26, 2013 (M-584), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 12, 2012, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212) 402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

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

Respondent,

-against-

M-4589
Ind. No. 575N/10

Joel Joseph,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 8, 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 January 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

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

Respondent,

-against-

M-4398
Ind. No. 5511/09

Andre Scott,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 14, 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 February 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

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

-against-

M-4176
Case No. 44560C/05

Lawrence Perez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 1, 2008,

And defendant-appellant having moved for a an enlargement of time to perfect said 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 on or before December 2, 2013 for the February 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

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

-against-

M-4503
Ind. No. 6351/09

Andre English,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 9, 2011,

And defendant-appellant having moved for a an enlargement of time to perfect said 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 on or before December 2, 2013 for the February 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X
Nancy Wallach,
Plaintiff,

-against-

M-4419
Index No. 109547/09

R & J Construction Corp.,
Defendant-Respondent,

Scott A. Wolinetz, Esq.,
Non-Party Appellant.
-----X

Scott A. Wolinetz, Esq., counsel for plaintiff, having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 11, 2012 (mot. seq. no. 002),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
George Zouvelos,
Petitioner,

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

M-4706
M-4800
Index No. 101160/13

-against-

The New York State Department of
Financial Services,
Respondent.

-----X
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 9, 2013, to review a determination of respondent,

And petitioner pro se having moved to stay the aforesaid order of the Supreme Court (M-4706),

And petitioner pro se having moved separately for the issuance of two subpoenas for certain records (M-4800),

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

It is ordered that the motions are denied (M-4706/M-4800).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Vivienne Bobbi-Hadiya S.,

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

- - - - -
Administration for Children's Services, M-4860
Petitioner-Respondent, Docket No. NA-6061/11

Makena Asanta Malika McK.,
Respondent-Appellant,

Charles Bernard S.,
Respondent-Appellant.

- - - - -
Margaret Tarvin, Esq., Lawyers for
Children,
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the Order of Disposition of the Family Court, New York County, entered on or about August 1, 2012, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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.** (See M-4861, decided simultaneously herewith.)

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application for the Custody and Guardianship of

Vivienne Bobbi-Hadiya S.,

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

- - - - -

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

M-4861
Docket No. B-6798/12

Makena Asanta Malika McK.,
Respondent-Appellant,

Charles Bernard S.,
Respondent-Appellant.

- - - - -

Margaret Tarvin, Esq., Lawyers for Children,
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the Final Order of Disposition of the Family Court, New York County, entered on or about July 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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.** (See M-4860, decided simultaneously herewith.)

ENTER:



CLERK

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

CORRECTED ORDER - November 18, 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 October 24, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Hezekiah J.,
Jeremiah J.,
Joshua J.,
and Gabriel J.,

M-4890
Docket Nos.
NN-21824-29/12

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

Commissioner of Social Services,
Petitioner-Respondent,

Stacy G.,
Respondent-Appellant,

Mark G.,
Respondent.

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

Andrew Baer, Esq.,
Attorney for the Children
Hezekiah J., Jeremiah J.,
Joshua J., and Gabriel J.,

Mari Hinojose, Esq.,
Lawyers for Children,
Attorney for the Child
Isaiah J.

-----X

CORRECTED ORDER - November 18, 2013

(M-4890)

-2-

October 24, 2013

Kao Pin Lew, Esq., Family Court attorney for subject children, Hezekiah J., Jeremiah J., Joshua J., and Gabriel J., having moved on said children's behalf for leave to respond, as poor persons, to the appeal from the order of the Family Court, New York County, entered on or about November 16, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of responding to the appeal; (2) permitting movants to respond to the appeal upon a reproduced respondents' 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 January 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X
Cuman Cropper,
Plaintiff-Respondent,

-against-

M-4546
Index No. 114878/06

M.D. Stewart and New York City
Transit Authority,
Defendants-Appellants,

-and-

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

-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal from a judgment of the Supreme Court, New York County, entered on or about November 15, 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 February 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Nora D.,
Petitioner-Respondent,

M-4911
Docket No. O-12102/13

-against-

Kathryn D.,
Respondent-Appellant.

-----x
A purported appeal having been taken to this Court from a Temporary Order of Protection of the Family Court, Bronx County, entered on or about September 19, 2013,

And respondent-appellant having moved for a stay of the order 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 October 24, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----x
Clement Petrocelli,
Petitioner-Judgment Creditor-
Respondent,

-against-

Petrocelli Electric Co., Inc., et al.,
Respondents-Judgment Creditor-
Appellants,

M-4793
Index No. 651605/13

-and-

Allan Briteway Electrical Services,
Inc., etc.,
Transferee-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 5, 2013,

And respondents-judgment creditor-appellants having moved for a stay of an evidentiary hearing pending hearing and determination of 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 denied, and the interim relief granted by the order of a Justice of this Court dated September 19, 2013, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X

112 West 34th Street Associates L.L.C.,
Plaintiff-Respondent,

-against-

112-1400 Trade Properties LLC,
Defendant-Appellant.

-----X

M-4527

M-4725

Index No. 650146/12

Plaintiff-respondent having moved to dismiss the appeals taken from the order of the Supreme Court, New York County, entered on or about June 4, 2013, and from an order and judgment (one paper) by the same Court and Justice entered on or about July 19, 2013, respectively (M-4527),

And defendant-appellant having cross-moved for an enlargement of time to perfect the aforesaid appeals (M-4725),

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 (M-4527) to dismiss the appeals is granted unless the appeals are perfected for the April 2014 Term. The cross motion (M-4725) is granted to the extent of enlarging the time to perfect the aforesaid appeals to the April 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----x

Koya Abe,
Plaintiff-Appellant,

-against-

M-4625
Index No. 113150/10

Nancy Barton and Ken Castronuovo,
Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiff-appellant from an order of the Supreme Court, New York County, entered on or about September 13, 2012 (mot. seq. no. 007), and from an order of the said Court entered on or about January 31, 2013, respectively,

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

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated September 9, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted in accordance with the aforesaid stipulation 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 January 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X
The People of the State of New York
ex rel. James Myles,
Petitioner,

-against-

M-4542

Cyrus R. Vance, Jr., District Attorney,
and New York State Department of
Corrections,
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the application for the writ is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X

In re Minerva Guzman,
Petitioner-Appellant,

-against-

M-2387
Index No. 106140/11

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

-----X

Respondents-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, the decision and order of this Court entered on April 4, 2013 (Appeal No. 9727),

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 for reargument is granted and, upon reargument, the decision and order of this Court entered on April 4, 2013 (Appeal No. 9727) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 9727, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

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

-against-

M-1881
Ind. No. 7175/00

Ali Carrington,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 17, 2006 (Appeal No. 7585), unanimously affirming a judgment of the Supreme Court, New York County (Carruthers, J.), rendered on July 8, 2003,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----x
Ajet Delaj, et al.,
Plaintiffs-Respondents,

-against-

M-3053
Index No. 302593/10

Bronx Park East Housing, Inc.,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 5, 2012,

And plaintiffs-respondents having moved to dismiss the aforesaid appeal for failure to timely perfect, for vacatur of any stay and/or prohibition on plaintiff's enforcement of a certain money judgment awarded to them and directing release of the bond posted by defendant to plaintiffs,

And it appearing that the appellant did post an undertaking in the amount of \$50,597.94 with the Clerk of the New York State Supreme Court, Bronx County, on or about July 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 dismissing the appeal, and directing that the Commission of Finance of the State of New York to pay plaintiffs Ajet Delaj and Lindita Delaj the aforesaid amount less lawful fees afforded the Commission, and to deliver said check payable to plaintiffs Ajet Delaj and Lindita Delaj to plaintiffs' attorney Joshua C. Price, Esq., 220 Fifth Avenue, New York, NY 10001. The motion is otherwise denied, as academic. (See M-3691, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----X
Ajet Delaj and Lindita Delaj,
Plaintiffs-Respondents,

-against-

M-3691
Index No. 302593/10

Bronx Park East Housing, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect an appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 5, 2012,

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

It is ordered that the motion is denied. (See M-3053, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Judith J. Gische, Justices.

-----X
In the Matter of

Kenneth S.,

M-4504
Docket No. D-42021/12

A Person Alleged to be A Juvenile
Delinquent,

Respondent.

-----X

Respondent having moved for an enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about November 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 March 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

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

-----x
Erica Francine Gottlieb,

Plaintiff-Respondent,

-against-

Ian Samuel Gottlieb,

Defendant-Appellant.
-----x

M-4726
Index No. 312670/11

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 14, 2013 (mot. seq. no. 010),

And defendant-appellant having moved for a stay of execution and enforcement of the order and judgment pending hearing and determination of the appeal taken therefrom, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels Justices.

-----X
In re Rebecca Alfaro,

Petitioner-Appellant,

-against-

M-3433

Index No. 108053/10

Martha K. Hirst, etc., 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 May 16, 2013 (Appeal No. 10083),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 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-

M-3303
Index No. 101059/04

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

-----X

Defendants-respondents-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 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:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Miriam Reyes,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3681
Index No. 402991/11

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

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

And respondent-respondent having moved for dismissal of the aforesaid appeal for failure to timely prosecute,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

Raymond Velez,
Defendant-Respondent.

M-4072
Docket No. 2012BX012149

-----X

Defendant-respondent having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about August 9, 2012, as untimely taken,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
One West Bank, FSB, Inc.,
Plaintiff-Appellant,

-against-

Deutsche Bank National Trust
Company, et al.,
Defendants-Respondents.

M-3987
Index No. 306119/11

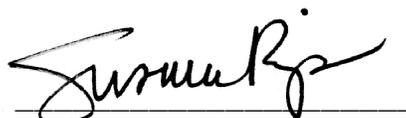
-----X

Defendant-respondent TD Bank, N.A. having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 25, 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 October 24, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

Respondent,

-against-

M-4030
Ind. No. 119/11

Kevin Johnson,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 27, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Earl Forsythe,
Plaintiff-Appellant,

-against-

SEIU, Local 32BJ, et al.,
Defendants-Respondents.

M-4319
Index. No. 400378/13

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 8, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Alty Adamson,
Petitioner,

-against-

M-3796
Index No. 401695/12

Macy's Inc., et al.,
Defendants.

-----X

An order of this Court having been entered on June 4, 2013 (M-1781), inter alia, denying petitioner's motion for leave to prosecute, as a poor person, the purported appeal from the order of the Supreme Court, New York County, entered on or about October 9, 2012,

And petitioner-appellant having moved for renewal/reconsideration of the aforesaid motion for leave to prosecute the appeal as a poor person, and for other relief,

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

It is ordered that said motion is denied in its entirety.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

M-4092
Ind. No. 598/09

Luis Loja,
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, Bronx County, rendered on or about June 22, 2012,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT : Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Valentin Sixto Castillo Gonzalez,
Plaintiff-Appellant,

-against-

M-4540
Index No. 20712/12

Fidelity and Deposit Company of Maryland,
et al.,
Defendants-Respondents.

-----X
Patricio Marquez, Jose Raul Dardon Maza,
Manuel Alciviades Marquez Pesantez,
Marcos David Barrios Mazariegos, Cesar Joel
Baires Hernandez, Manuel Eleuterio Marquez
Redrovan, Marcelo Fernando Ayala Pintado,
Eduardo Enrique Paz Nunez, and Martin
Fernando Dardon Maza,
Plaintiffs-Appellants,

-against-

Index No. 20508/12

Fidelity and Deposit Company of Maryland,
et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, Bronx County, both entered on or about April 5, 2013, in the above-captioned matters,

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 appellants to prosecute the appeals upon 9 copies of one record and of one set of appellants' points covering the appeals.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Michelle Edelstein,
Plaintiff-Respondent,

-against-

M-4346
Index No. 313371/09

Ronald J. Edelstein,
Defendant-Appellant.
-----x

Appeals having been taken to this Court by defendant from orders of the Supreme Court, New York County, entered on or about January 25, 2013 and May 7, 2013, respectively,

And defendant-appellant having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of 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 to perfect the consolidated appeals to the April 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In the Matter of the Application of
Mary Craig,

Petitioner,

M-4594

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

Index No. 402492/11

-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 January 11, 2012,

And an order of this Court having been entered on May 23, 2013 (M-1293), granting respondent's motion to dismiss the aforesaid proceeding for failure to timely perfect,

And petitioner having moved for an enlargement of time to perfect the aforesaid proceeding, and for related relief,

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

Ordered that the motion is denied, as academic.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In the Matter of Martin Diaz,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4394
Index No. 103795/12

New York City Department of Parks
and Recreation,
Respondent-Appellant.

-----X

An appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about March 25, 2013,

And petitioner-respondent having moved for an order vacating the CPLR 5519(a)(1) stay, pending hearing and determination of 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 denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

Martha G. Foster, etc., et al.,
Plaintiffs-Appellants,

-against-

M-4562
Index No. 651826/13

Arne Svenson,
Defendant-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 5, 2013,

And plaintiffs-appellant having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518 directing defendant-respondent from refraining from all display, dissemination and sale of the subject photos and from photographing plaintiffs-appellants and/or their children in their apartment, 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 granted to the extent that defendant-respondent is enjoined from photographing plaintiffs and their children in their apartment and from displaying disseminating and/or selling the subject photographs of plaintiffs and/or their children, pending hearing and determination of the appeal, on condition the appeal is perfected on or before January 27, 2014 for the March 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X
In the Matter of Danny Rossi,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4395
Index No. 103793/12

New York City Department of Parks
and Recreation,
Respondent-Appellant.

-----X

An appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about March 25, 2013,

And petitioner-respondent having moved for an order vacating the municipal appellant's CPLR 5519(a)(1) stay,

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

It is ordered that the motion is denied. (See M-4396, decided simultaneously herewith).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X
In the Matter of Elizabeth Rossi,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4396
Index No. 103794/12

New York City Department of Parks
and Recreation,
Respondent-Appellant.

-----X

An appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about March 25, 2013,

And petitioner-respondent having moved for an order vacating the municipal appellant's CPLR 5519(a)(1) stay,

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

It is ordered that the motion is denied. (See M-4395, decided simultaneously herewith).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----x
The Hon. Susan Larabee, et al.,
Plaintiffs-Appellants,

M-4762
Action No. 1
Index No. 112301/07

-against-

The Governor of the State of New York,
et al.,
Defendants-Respondents.

Arlene R. Silverman,
Plaintiff-Appellant,

Action No. 2
Index No. 117058/08

-against-

Sheldon Silver, et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court by plaintiffs in Action No. 1 from the order of the Supreme Court, New York County, entered on or about September 14, 2012 (mot. seq. no. 003); and an appeal having been taken to this Court by plaintiff in Action No. 2 from the judgment of said Court entered on or about September 26, 2012, and both appeals having been perfected,

And defendants-appellants in both Action No. 1 and Action No. 2 having moved for leave to file a single omnibus brief in opposition to both appeals, and for an order directing that the appeals be calendared for hearing together,

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 Clerk is directed to calendar both appeals for hearing together during the last week of the December 2013 Term, with defendants-respondents granted leave to respond to the appeals in a single respondents' brief to be filed on or before November 7, 2013 for said December 2013 Term, with appellants' reply briefs to be filed on or before November 15, 2013.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
In the Matter of

Jason G.,
Jasmine G., and
Jackie B.,

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

- - - - -

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

M-3973
Docket Nos. NN-51635/11
NN-51636/11
NN-51637/11

Pamela G.,
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 the Decision and Order on Fact-Finding of the Family Court, New York County, entered on or about July 15, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available 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 October 24, 2013.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

Karen Michelle F., M-4210
Petitioner-Respondent, Docket Nos. V-29959-10/11B
V-29959-10/11C

-against-

Wilfredo C.,
Respondent-Appellant.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about November 27, 2012, and said appeal having been perfected and calendared,

And petitioner-respondent having moved for leave to respond to the appeal as a poor person, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, 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:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

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

-against-

M-4819
Ind. No. 2186/08

Jesus Alejandro,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about November 28, 2011, 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 to the extent of directing defendant to serve and file 9 copies of his pro se supplemental brief on or before December 30, 2013 for the March 2014 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-4478
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 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 February 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Keith Luebke,
Plaintiff-Appellant,

-against-

MBI Group, et al.,
Defendants-Respondents.

M-4703
Index No. 114861/08

-----X

Plaintiff-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 20, 2012,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated August 26, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2014 Term, in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Mageedah Akhtab,

Plaintiff-Appellant,

-against-

M-4580

Index No. 106770/11

BCBG Max Azria Group, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about April 19, 2012, June 28, 2012 (mot. seq. nos. 002, 003), August 23, 2012 (mot. seq. nos. 004, 005), and October 24, 2012 (mot. seq. nos. 005, 006), respectively,

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 enlarging the time to perfect the appeal to the February 2014 Term, with no further enlargements to be granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

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

M-4446
Index No. 106007/09

-----X

Plaintiffs-appellants 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 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 February 2014 Term, with no further enlargement to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT - Hon: Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Suarna Mehulic,
Plaintiff-Appellant,

-against-

New York Downtown Hospital,
Defendant-Respondent.

M-4351
Index No. 103297/08

-----X

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

And plaintiff-appellant having moved for an order preserving her objection to "documents labeled 'confidential'" in the record on 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 denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

David Benavides,
Plaintiff-Appellant,

-against-

M-4610
Ind. No. 8880/98

The City of New York and
New York City Police Department,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to file a second reply brief in connection with the appeal from an order judgment of the Supreme Court, Bronx County, entered on or about December 13, 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 denied, and movant may submit additional case-law citations at oral argument if so advised.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 24, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

333 East 49th Partners, L.P.,
Plaintiff-Appellant,

-against-

M-3907
Index No. 100516/10

Leonard Flamm,
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 June 25, 2013 (Appeal No. 10264),

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

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-

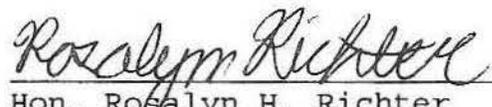
Johnny Nevarez,

Defendant.
-----X

M-4053
Ind. No. 4351/93

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, Bronx County, entered on or about March 14, 2013, is hereby denied.



Hon. Rosalyn H. Richter

Dated: September 27, 2013
New York, New York

ENTERED: **OCT 24 2013**

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,

M-4186
Ind. No. 6179/03

-against-

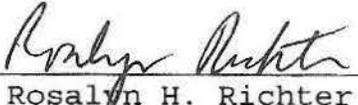
CERTIFICATE
DENYING LEAVE

Lamink Martin,

Defendant.

-----X

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 June 26, 2013, is hereby denied.



Hon. Rosalyn H. Richter

Dated: September 19, 2013
New York, New York

ENTERED: **OCT 24 2013**

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

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

-----X
Michael Chia Hock Meng,

Plaintiff,

-against-

M-3462
Index No. 10-106291

Julie Lynn Allen,

Defendant.
-----X

Plaintiff having moved to vacate, pursuant to CPLR 5704(a),
or, in the alternative, for leave to appeal to this Court from an
order of the Supreme Court, New York County (Laura Drager, J.),
entered on or about May 21, 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.


Sallie Manzanet-Daniels
Associate Justice

Dated: September 19, 2013
New York, New York

Entered: **OCT 24 2013**