

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

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

-against-

M-2191
Ind. No. 2051/12

George Cosme,
Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 22, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated May 5, 2014, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

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

-against-

M-2192
Ind. No. 5177/09

Eugene Burgess, also known as Gene
Burgess,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 12, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated May 2, 2014, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

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

-against-

M-2193
Ind. No. 1196/09

Eugene Burgess, also known as Gene
Burgess,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 25, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated May 2, 2014, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

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

-against-

M-2194
Ind. No. 2864/12

Fernando Michel,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 6, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated May 5, 2014, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

-----X

Mashreqbank PSC,
Plaintiff-Respondent,

-against-

M-1170

Index No. 601650/09

Ahmed Hamad Al Gosaibi & Brothers
Company,
Defendant-Respondent.

-----X

Ahmed Hamad Al Gosaibi & Brothers
Company,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 590643/09

Maan Abdul Waheed Al Sanea,
Third-Party Defendant-Appellant,

-and-

Awal Bank BSC,
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 21, 2014,

And third-party defendant-appellant having moved for a stay trial pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and correspondence from counsel for third-party defendant-appellant, dated April 9, 2014, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

-----X
Hi-Tech Construction and Management
Services Inc.,
Plaintiff-Appellant,

-against-

M-2131
Index No. 602377/05

The Housing Authority of the City
of New York,
Defendant-Respondent.

-----X
(and another action)

Plaintiff-appellant 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 August 2, 2013,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

-----X
Penny Bradley,
Plaintiff-Appellant,

-against-

M-1324
Index No. 650164/13

Francios Latapie and Suzanne Latapie,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 16, 2013,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

-----X
WA Route 9, LLC,
Plaintiff/Counterclaim Defendant,

-against-

PAF Capital LLC,
Defendant/Counterclaim Plaintiff.

M-1612
Index Nos. 651688/12
590475/12
590603/12

-----X
PAF Capital LLC,
Third-Party Plaintiffs,

-against-

Jacob Frydman, et al.,
Third-Party Defendants.

-----X
Jacob Frydman,
Third-Party Defendant/
Fourth-Party Plaintiff-Appellant,

-against-

David Lichtenstein, et al.,
Fourth-Party Defendants.

-----X

Third-party defendant/fourth-party plaintiff-appellant Jacob Frydman having moved for an enlargement of time to perfect appeal from the order of the Supreme Court, New York County, entered on or about June 10, 2013 (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 October 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

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

-against-

M-371
Ind. No. 99047/13

Inderjeet Lalji,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the order of the Supreme Court, Bronx County, entered on or about November 16, 2013,

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

It is ordered that the motion is denied as unnecessary, see Correction Law § 168-n[3] and CPLR 5513[a]). (See M-459, 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 June 3, 2014.

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

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

-against-

M-459
Ind. No. 99047/13

Inderjeet Lalji,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Seth Marvin, J.) entered on or about November 16, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Marvin as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Scott A. Rosenberg, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (See M-371, 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 June 3, 2014.

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

-----X
Frankie Ruiz,
Plaintiff-Appellant,

-against-

M-1619
Index No. 570650/13

Bronx Lebanon Hospital Center,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about November 14, 2013, and for leave to prosecute said appeal as a poor person, 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 June 3, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

-against-

M-356
Ind. No. 1307/12

Nabil Fawzi,
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 December 2, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for assignment of retained counsel, and for other relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed. Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts. The motion, to the extent it seeks assignment of retained counsel, is denied as unnecessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
Portfolio Recovery Associates, LLC,

Plaintiff-Respondent,

-against-

M-690

M-934

M-1168

Index No. 570278/13

Richard Lall,

Defendant-Appellant.

Professor James Kainen
and Professor Michael J. Hutter,
Amicus Curiae,

Lincoln Square Legal Services,
et al.,
Amicus Curiae.

-----X

Defendant-appellant having moved for leave to appeal to this Court from an order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about October 15, 2013 (M-690),

And Professor James Kainen and Professor Michael J. Hutter having moved for leave to file a brief amicus curiae in support of the aforesaid motion (M-934),

And Lincoln Square Legal Services, Inc., et al., having moved for leave to file a brief amicus curiae in support of the aforesaid motion (M-1168),

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

It is ordered that defendant-appellant's motion is granted. Defendant-appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court (M-690). Motions M-934 and M-1168 are granted to the extent of deeming the respective amicus curiae briefs submitted in support of the motion filed (M-934/M-1168).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-805
Ind. No. 6085/10

Shawn Williams,

Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 13, 2011, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Helen E. Freedman
Darcel D. Clark, Justices.

-----x
Sean Studer,

Plaintiff-Appellant,

-against-

Helena Studer,

Defendant-Respondent.
-----x

M-1993
Index No. 350065/11

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of divorce of the Supreme Court, New York County, entered on or about May 3, 2013,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Richard T. Andrias, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1950
Index No. 2506/02

Juan Colon, also known as
Rafael Juan Colon,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on September 23, 2008 (Appeal No. 4110),

Now, upon 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 untimely.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against- M-950
Docket No. 287/98
Astrit Ceni,
Defendant.

-----X
A judgment of the Supreme Court, Bronx County, having been rendered on or about February 11, 1998,

And defendant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, by reason of failure of trial counsel to file a timely notice of appeal pursuant to CPL 460.30,

Now, upon 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 June 3, 2014.

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

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

Respondent,

-against-

M-961
Ind. No. 546/00

Wilson Llanos,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 2, 2004 (Appeal Nos. 4802-4803A), unanimously affirming a judgment of the Supreme Court, New York County (Jeffrey M. Atlas, J.), rendered on October 26, 2000, and the order of said Court rendered on or about July 25, 2002, respectively,

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

CORRECTED ORDER - April 3, 2015

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
David B. Saxe
Leland G. DeGrasse, Justices.

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

-against-

M-6609
Ind. No. 3016/06

Marcos Llibre,
Defendant-Appellant.

-----X

A judgment of the Supreme Court, New York County, having been rendered on or about June 5, 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 **trial** counsel, by reason of failure of trial counsel to file a timely notice of appeal pursuant to CPL 460.30,

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

CORRECTED ORDER - July 28, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Diane T. Renwick
Richard T. Andrias
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Leah Vinik,

Plaintiff,

-against-

M-2134
Index No. 305322/11

Steven **Lee**,

Defendant.
-----X

Defendant, pro se, having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about August 14, 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 June 3, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

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

-against-

M-579
M-1951
Ind. No. 5073/96

Manuel Martinez,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about May 9, 2008,

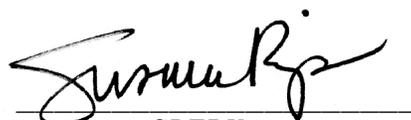
And defendant-appellant, by assigned counsel Larry Sheehan, Esq., having moved for leave to file a late oversized brief in connection with the aforesaid appeal (M-579),

And defendant-appellant having separately moved, pro se, to strike assigned counsel's proposed appellate brief (M-1951),

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

It is ordered that the motion (M-579) to file a late oversized brief is granted only to the extent of enlarging the time to perfect the appeal to the November 2014 Term, and the defendant-appellant is directed to apply to the Clerk of the Court pursuant to 22 NYCRR 600.11(d)(1) with respect to filing said late oversized brief, and otherwise denied. The motion (M-1951) to strike assigned counsel's proposed appellate brief is denied as premature, the appeal having not been perfected, without prejudice to defendant-appellant moving for leave to file a pro se supplemental brief when the appeal is perfected, 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 June 3, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----x
Baxter Street Condominium, by its
Board of Managers,
Plaintiff-Respondent, M-1889

-against- Index No. 650962/12E

LPS Baxter Holding Co., LLC,
Defendant-Appellant.

- - - - -
Baxter Street Condominium, by its
Board of Managers,
Plaintiff-Respondent,

-against- Index No. 650964/12E

LPS Baxter Holding Co., LLC,
Defendant-Appellant.

- - - - -
Baxter Street Condominium, by its
Board of Managers,
Plaintiff-Respondent,

-against- Index No. 650965/12E

LPS Baxter Holding Co., LLC,
Defendant-Appellant.

-----x
Appeals in the above-captioned actions having been taken to this Court by defendant-appellant, LPS Baxter Holding Co., LLC, from orders of the Supreme Court, New York County, entered on or about June 20, 2013; and appeals having been taken by said defendant-appellant from the orders and judgments (each one paper) of said Court entered on or about October 22, 2013; and an appeal having been taken by defendant-appellant from the order and judgment (one paper) of said Court entered on or about October 17, 2013, respectively,

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

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

It is ordered that the motion is granted to the extent of permitting defendant-appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The time to perfect the consolidated appeals is enlarged to on or before September 2, 2014 for the November 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Judith J. Gische, Justices.

-----X

Nemon Corp.,
Plaintiff-Appellant,

-against-

45-51 Avenue B, LLC,
Defendant-Respondent.

M-6112
M-6525
Index No. 114058/11

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 12, 2012,

And an order of this Court having been entered on August 7, 2012 (M-3060), continuing certain interim relief granted by an order of a Justice of this Court on July 23, 2012 upon, inter alia, condition that a certain bond be posted,

And a decision and order of this Court having been entered January 8, 2013 (Appeal No. 8949),

And an order of the Court of Appeals of the State of New York having been entered March 26, 2013, denying plaintiff-appellant's motion for leave to appeal to the Court of Appeals (Court of Appeals Motion No. 2013-104; 20 NY3d 862 [2013]),

And plaintiff having moved for an order directing the cancellation of a certain bond issued, and discharging the issuer of said bond (M-6112),

And defendant having cross-moved for an order imposing certain costs and damages upon plaintiff, and directing that said costs and damages be paid from the aforesaid bond (M-6525),

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

Ordered that the motion is granted and the undertaking secured by the bond issued by International Fidelity Insurance Company, Bond No. NRIFSU 0592308 is discharged, upon payment of

\$2,042.29 to defendant-respondent 45-51 Avenue B, LLC (M-6112). The cross motion is granted only to the extent of awarding the aforesaid \$2,042.29 amount incurred on the appeal to defendant, and otherwise denied (M-6525).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

For a Judgment Pursuant to Article 78
of the CPLR,

M-1709
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 having moved for an enlargement of time to perfect the proceeding,

Now, upon 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 proceeding to the November 2014 Term. (See M-2055, 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 June 3, 2014.

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

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

For a Judgment Pursuant to Article 78
of the CPLR,

M-2055
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 having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. (See M-1709, 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 June 3, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Barbara R. Kapnick, Justices.

-----x

Marie Flaherty,
Plaintiff-Appellant,

-against-

CWCapital Asset Management, LLC,
et al.,
Defendants-Respondents.

-----x

M-978
M-1589
Index No. 107310/11

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about January 29, 2013 (mot. seq. no. 003),

And plaintiff-appellant pro se having cross-moved for an enlargement of time to perfect the aforesaid appeal, for leave to prosecute the appeal as a poor person, and for related relief,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before July 7, 2014 for the September 2014 Term (M-978). The cross motion is granted to the extent of enlarging the time to perfect the appeal to said September 2014 Term and otherwise denied (M-1589).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
David B. Saxe
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
Robert Parham,

Plaintiff-Appellant,

-against-

M-1796
Index No. 303905/10

The City of New York, et al.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 24, 2013,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----x
408 East 10th Street Tenants' Association,

Plaintiff-Respondent,

-against-

Charo Nespral, etc.,

Defendant-Appellant.
-----x

M-1205
Index No. 108910/10

An order of this Court having been entered on March 13, 2014 (M-533), inter alia, granted defendant leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 17, 2013 (mot. seq. no. 003), and assigning counsel therefor,

And defendant-appellant having renewed the motion for poor person 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, said relief having already been granted. (See the order of this Court entered March 13, 2014 [M-533].)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X

Koya Abe,
Plaintiff-Appellant,

-against-

M-1415
Index No. 113150/10

Nancy Barton, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 14, 2014 (mot. seq. no. 012),

And plaintiff-appellant having moved for a stay of the aforesaid 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 June 3, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Darcel D. Clark, Justices.

-----X

Peter A. Leidel, et al.,

Plaintiffs-Appellants,

-against-

M-1513

Index No. 102456/10

John P. Annicelli, doing business as
Old Stone Hill Road Associates,
et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 18, 2014 (Appeal Nos. 11774-11775),

Now, upon 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 June 3, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Horatio Arms, Inc.,
Petitioner-Landlord-Appellant,

-against-

Jean-Francois Celbert,
Respondent-Tenant-Respondent.

M-963
M-1126
Index No. 570989/12

-----X

Petitioner-landlord-appellant Horation Arms, Inc. having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about July 31, 2013 (M-963),

And respondent-tenant-respondent Jean-Francois Celbert having cross-moved for the same relief (M-1126),

Now, upon reading and filing the papers with respect to the motion and cross motion, including the stipulation of the parties dated May 29, 2014, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-6637
Ind. No. 4259/98

Daniel Oliveira,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 2, 2003 (Appeal No. 2336), unanimously affirming a judgment of the Supreme Court, New York County (Charles Tejada, J.), rendered on March 13, 2001,

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 June 3, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X

Bianca Razzano,
Plaintiff-Appellant,

-against-

M-48
M-353

Index No. 111966/09

Woodstock Owners Corp., et al.,
Defendants-Respondents.

- - - - -

New York Cooperative & Condominiums,
Amicus Curiae.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 19, 2013 (Appeal No. 11106) [M-48],

And New York Cooperative & Condominiums having moved for leave to file a brief amicus curiae with connection to defendants-respondents' motion for leave to appeal to the Court of Appeals [M-353],

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

It is ordered that motion of New York Cooperative & Condominiums for leave to file an amicus curiae brief in support of the motion is granted, and the proposed amicus curiae brief submitted in support of the motion is deemed filed [M-353]. The defendant-respondent's motion for leave to appeal to the Court of Appeals is denied [M-48].

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

-----X
Douglas Hepworth,
Plaintiff-Appellant,

-against-

M-1999
Index No. 311330/13

C. Louise Hepworth,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 25, 2014,

And plaintiff-appellant having moved for a stay of the aforesaid order 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 June 3, 2014.

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

-----X
Alexander Bretoux, an infant by his
mother and natural guardian Sandra
Bretoux, and by Sandra Bretoux,
individually,
Plaintiffs,

M-1975

Index No. 350416/10

-against-

Collins Estate Corporation,
Defendant.

-----X
Collins Estate Corporation,
Third-Party Plaintiff-Respondent,

-against-

Advanced Environmental Corp.,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered 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 granted to the extent of enlarging the time to perfect the appeal to the October 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-1961
Ind. No. 9208/98

Teofilo Lopez, also known as Garcia
Lopez, also known as Isidro Garcia,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 27, 1999,

And an order of this Court having been entered on October 24, 2013 (M-3553), dismissing the aforesaid appeal from the judgment of the Supreme Court, New York County, rendered on or about July 27, 1999,

And on April 3, 2014, the Court of Appeals having reversed the aforesaid order of this Court, and having remitted the case for further proceedings (*People v Lopez* __NY3d__; 2014 Slip. Op. 02326; Case No. 58 decided April 3, 2014),

Now, upon remittitur (M-1961), the aforesaid order of this Court entered October 25, 2013 (M-3553) is recalled and vacated, and it is further,

Ordered that Scott A. Rosenberg, Esq., 199 Water 5th Floor, New York, New York 10038, Telephone No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal, and it is further,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

-----X

Ascentium Capital LLC,
Plaintiff-Respondent,

-against-

Northern Capital Associates XIII,
L.P. and Northern Leasing Systems,
Inc.,
Defendants-Appellants.

-----X

M-2031
M-2034
Index No. 650481/12

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 21, 2013,

And plaintiff-respondent having moved to consolidate the aforesaid appeal with defendants' appeal taken from said Supreme Court entered on or about February 10, 2014 in the matter, *Ascentium Capital, LLC v Northern Capital Associates XIII, L.P., et al.*, a related action under Index No. 653179/13, and for related relief (M-2031),

And defendants-appellants having moved for a stay pending hearing and determination of the appeals (M-2035),

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

It is ordered that the motion is granted to the extent of permitting defendants-appellants to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellants' points covering said consolidated appeals (M-2031). Defendants-appellants' motion for a stay is denied, and the interim relief granted by an order of a Justice of this Court, dated April 29, 2014, is vacated (M-2034).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
12 Broadway Realty, LLC,
Plaintiff,

-against-

Lakhani Enterprises USA, Corp.,
Defendant-Respondent,

M-1689
M-1775
Index No. 650297/11

William Simpson,
Defendant/Third-Party
Plaintiff-Appellant,

-against-

Imran Lakhani,
Third-Party Defendant-Respondent.

-----X

Third-party defendant-respondent Lakhani Enterprises USA, Corp. and third-party defendant Imran Lakhani having moved for reargument of the decision and order of this Court entered on March 13, 2014 (Appeal Nos. 11743-11744) [M-1689],

And the same parties having separately moved for leave to appeal to the Court of Appeals from the aforesaid decision and order [M-1775],

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

It is ordered that the motions are denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

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

-against-

M-682
Ind. No. 2735N/13

Jose Fernandez,
Defendant-Appellant.
-----X

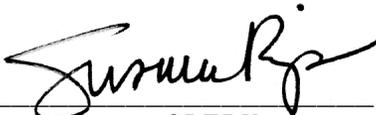
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 20, 2013,

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

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

The motion is deemed one to include a request for poor person relief and assignment of counsel; and as insofar as it seeks poor person relief, and as such is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2014.

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

-----X
Kisshia Simmons-Grant,
Plaintiff-Respondent,

-against-

M-1760
Index No. 150935/13

Quinn Emanuel Urquhart & Sullivan,
LLP,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 27, 2014 (Appeal No. 10796),

Now, upon 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 June 3, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Paul G. Feinman, Justices.

-----X
Daniel Friedman, et al.,
Plaintiffs-Appellants,

-against-

16 Madison Square Housing Corp.,
Defendant-Respondent.

M-852
Index No. 110361/11

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on January 28, 2014 (Appeal No. 11597),

Now, upon 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 June 3, 2014.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

Respondent,

-against-

M-1277
Ind. No. 1191/13

Aki Davis,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York New York County, rendered on or about February 19, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 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 June 3, 2014.

Present: Hon. Diane T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
WSC Riverside Drive Owners LLC,
Petitioner-Appellant/Respondent,

-against-

Oliver Williams,
Respondent-Respondent/Appellant.

M-1862
M-1974
Index No. 571144/12

-----X

Respondent-respondent/appellant having moved for leave to appeal to this Court from an order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 19, 2013, and for a stay of the execution of a warrant of eviction pending hearing and determination of the appeal (M-1862),

And petitioner-appellant/respondent having cross-moved to deny petitioner's request for a stay of the execution of a warrant of eviction (M-1974),

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

It is ordered that petitioner's motion is granted. Respondent-respondent/appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court, and the stay of the execution of a warrant of eviction is granted pending hearing and determination of the appeal on condition that respondent pays use and occupancy in the amount of \$2,129.99 per month commencing the month immediately following the date hereof, and on further condition that the appeal be perfected on or before August 4, 2014 for the October 2014 Term (M-1862). Petitioner's cross motion is denied (M-1974).

ENTER:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

-against-

Jermaine Eastwick,
Defendant.

M-3102
Ind. No. 8170/94

ORDER DENYING LEAVE
UPON REARGUMENT

-----X
I, Peter Tom, a Justice of the Appellate Division, First
Judicial Department, do hereby certify that, upon application
made by the above-named defendant for reargument of the order of
a Justice of this Court (M-3823), entered on November 13, 2008,
which denied his motion for a certificate pursuant to Criminal
Procedure Law, section 460.15, and no question of law or fact
having been misapprehended or overlooked, permission to reargue
the denial of leave to appeal from the order of the Supreme
Court, Bronx County, entered on or about June 26, 2008, is hereby
denied.


Justice of the Appellate Division

Dated: September 26, 2013
New York, New York

ENTERED: JUN 03 2014