

At a 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 20, 2011.

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

-----X  
Cathleen Cahill-Jenkins, As Executrix  
of the Estate of Robert Jenkins,  
Plaintiff-Respondent,

-against-

M-4122X  
Index No. 21774/05

Extra Space of Bronx, LLC,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 7, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 12, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X  
Barbara Granato,  
Plaintiff-Respondent,

-against-

M-4133X  
Index No. 302974/01

Pasquale Fabio Granato,  
Defendant-Respondent,

Diahn W. McGrath, Esq.,  
Non-Party Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 12, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 7, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X

Claire E. Batt,

Plaintiff-Appellant,

-against-

M-4134X

Index No. 103163/10

United Federation of Teachers  
Welfare Fund,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 24, 2011 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 7, 2011, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X

Teresita Fregans,

Plaintiff-Respondent,

-against-

M-4135X

Index No. 106682/09

The New York City Transit Authority,

Defendant-Appellant.

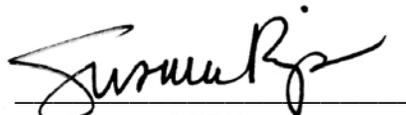
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 3, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 8, 2011, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X  
Vito Sacchetti and T.M.S. Management,  
Inc.,  
Plaintiffs-Respondents,

-against-

Stern Agency, Inc.,  
Defendant-Appellant,

M-4067  
Index No. 301374/07

Merchants and Business Mens Mutual  
Insurance Company and Virginia Surety  
Company, Inc.,  
Defendants.

-----X  
Stern Agency, Inc.,  
Third-Party Plaintiff,

-against-

GLN Worldwide, Ltd.,  
Third-Party Defendant.

-----X

An appeal having been taken from order of the Supreme Court, Bronx County, entered on or about June 16, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated September 6, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X

Bianca Andrews and Briana Andrews  
Infants by their Mother and Natural  
Guardian Benita Andrews and Benita  
Andrews Individually,  
Plaintiffs-Respondents,

M-3974  
Index No. 21083/05

-against-

876 Bryant Avenue, L.L.C.,  
Defendant-Appellant.

-----X

An appeal having been taken from order of the Supreme Court, Bronx County, entered on or about January 31, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated July 18, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X  
Harold Hagins,  
Plaintiff-Respondent,

-against-

Michael C. Miller and William Moody,  
Defendants-Appellants.

M-4045  
Index No. 308176/08

-----X  
Michael C. Miller,  
Third-Party Plaintiff-Respondent,

-against-

Third-Party  
Index No. 84086/09

Westchester Medical Center and  
Dr. Dave MacGregor,  
Third-Party Defendants-Respondents.

-----X

An appeal having been taken from order of the Supreme Court, Bronx County, entered on or about August 24, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated September 1, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
East Midtown Plaza Housing Company,  
Inc.,

Petitioner-Appellant,

-against-

Andrew M. Cuomo, etc., et al.,  
Respondents-Respondents.

M-3456  
M-3384

East Midtown Plaza Tenant-Cooperator  
Association,  
Intervenor-Appellant,

Index No. 401278/09

-against-

East Midtown Plaza Mitchell-Lama  
Organization,  
Intervenor-Respondent.

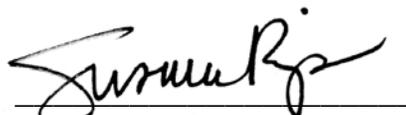
-----X

Petitioner-appellant and intervenor-appellant,  
East Midtown Plaza Tenant-Cooperator Association, having  
separately moved (M-3456/M-3384) for leave to appeal to the  
Court of Appeals from the decision and order of this Court  
entered on June 14, 2011 (Appeal No. 3406),

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 October 20, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

-----X  
In re Heidi Higgins,

Petitioner-Appellant,

-against-

M-2933  
Index No. 106107/09

Raymond Kelly, as Police Commissioner  
of the City of New York, et al.,

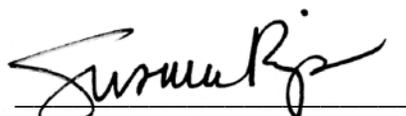
Respondents-Respondents.  
-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 12, 2011 (Appeal No. 5048),

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 20, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
James M. Catterson  
Rosalyn H. Richter, Justices.

-----X  
Lijo Panghat, M.D.,

Plaintiff-Appellant,

-against-

M-3674  
Index No. 108531/09

New York Downtown Hospital,

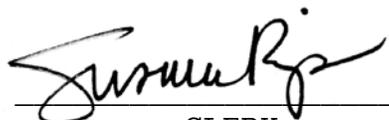
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 9, 2011 (Appeal No. 5309-5310),

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 20, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X

Felicito Ramirez,

Plaintiff-Appellant,

-against-

M-2799

Index No. 122538/00

Willow Ridge Country Club, Inc.,  
et al.,

Defendants-Respondents.

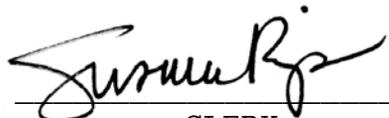
-----X

Plaintiff-appellant having moved for reargument/renewal of or, in the alternative, leave to appeal to the Court of Appeals from, the decision and order of this Court entered on May 5, 2011 (Appeal No. 4242),

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 20, 2011.

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

-----X  
Harry Dubin,  
Plaintiff-Appellant,

-against-

**M-4011**

Index No. 350528/04

Aviva (Dubin) Drescher,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 18, 2011,

And defendant-respondent having moved for an order dismissing plaintiff's appeal or, in the alternative, striking plaintiff's appendix and directing plaintiff to re-file an amended appendix, awarding attorney's fees, 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 directing plaintiff to file a supplemental appendix at plaintiff's own expense which shall include, in full, the documents listed in defendant-respondent's moving papers as Exhibit A. Sua sponte, the appeal is adjourned to the February 2012 Term, and the motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzaelli  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam, Justices.

-----X  
Samuel Benolol,  
Plaintiff-Appellant,

-against-

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

M-4057  
Index No. 107244/10

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 10, 2011,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X  
Judith Klein,  
Petitioner-Appellant,

-against-

M-3024  
Index No. 400623/09

New York City Administration for  
Children's Services,  
Respondent-Respondent.

-----X

Petitioner-appellant pro se 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 31, 2011 (Appeal Nos. 5206-5207),

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 20, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
The Goldman Sachs Group, Inc.,  
Plaintiff-Appellant,

Goldman, Sachs & Co.,  
Plaintiff,

M-3116  
Index No. 602060/09

-against-

Almah LLC,  
Defendant-Respondent.

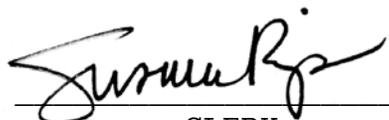
-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 7, 2011 (Appeal No. 3937),

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 20, 2011.

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

-----X  
Lisa J. Weksler, etc.,  
Plaintiff-Appellant,

-against-

M-3488  
Index No. 603288/07

Joseph Weksler, etc. et al.,  
Defendants-Respondents,

Mitchell D. Hollander, Esq.,  
et al.,  
Defendants.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 30, 2011 (Appeal No. 5482),

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 20, 2011.

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

-----X

In re Karen Bitchatchi,  
Petitioner-Respondent,

-against-

M-3683  
Index No. 115266/09

Board of Trustees of the New  
York City Police Department  
Pension Fund, Article II,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 7, 2011 (Appeal No. 5195),

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 20, 2011.

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

-----X

Aaryana Ortiz, an Infant  
by her Mother and Natural  
Guardian Maite Rodriguez,  
et al.,  
Plaintiffs-Respondents,

M-3377  
Index No. 13870/06

-against-

New York City Housing Authority  
Defendant-Appellant.

-----X

Defendant-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 June 21, 2011 (Appeal No. 4733),

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 20, 2011.

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

-----X

In re Francisco Velez,

Petitioner-Appellant,

-against-

M-3172

Index No. 101597/09

Raymond Kelly, as Police Commissioner  
of the City of New York, 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 31, 2011 (Appeal No. 5212),

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 20, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Waterfall Victoria Master Fund, Ltd.,  
Plaintiff-Respondent,

-against-

M-4145  
Index No. 113367/08

Edward G. Dingilian,  
Defendant-Appellant,

Edward G. Dingilian, Individually,  
et al.,  
Defendants.

-----X

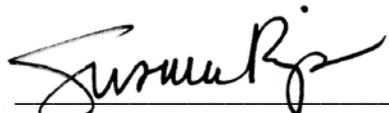
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 18, 2011,

And defendant-appellant having moved to stay enforcement 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 granted on condition appeal is perfected for the February 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X

2626 Bway LLC,

Plaintiff-Appellant,

-against-

Broadway Metro Associates, LP,  
et al.,

M-3150  
Index No. 106287/09

Defendants-Respondents.

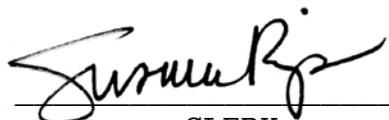
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on June 7, 2011 (Appeal No. 5288),

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 20, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

Nizam Peter Kettaneh, et al.,  
Petitioners-Appellants,

-against-

Board of Standards and Appeals of  
the City of New York, et al.,  
Respondents-Respondents.

- - - - -

Landmark West! Inc., et al.,  
Petitioners-Appellants,

M-3383  
M-3716  
Index No. 113227/08

-against-

Board of Standards and Appeals of  
the City of New York, et al.,  
Respondents-Respondents,

Hon. Andrew Cuomo, etc.,  
Respondent.

-----X

Petitioners-appellants having separately moved (M-3383/M-3716) 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 23, 2011 (Appeal Nos. 4886-4887),

Now, upon reading and filing the papers with respect to the motion, 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 October 20, 2011.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
James G. O'Callaghan,  
Plaintiff-Appellant,

-against-

M-3721  
Index No. 150097/09

George Brunelle, etc., et al.,  
Defendants-Respondents,

Does 1 through 10,  
Defendants.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 17, 2011 (Appeal No. 5077),

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 20, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
W&W Glass, LLC,  
Plaintiff-Respondent,

-against-

M-4165  
Index No. 101723/09

1113 York Avenue Realty Company LLC,  
60<sup>th</sup> Street Development LLC,  
Defendants-Appellants,

Pacific Lawn, Sprinklers, et al.,  
Defendants.

-----X

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

And defendants-appellants having moved to stay a hearing relating to the alleged spoliation of electronic evidence directed by 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 October 20, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In re Matter of William Claudio,

Petitioner-Appellant,

-against-

Raymond Kelly, et al.,

Respondents-Respondents.  
-----X

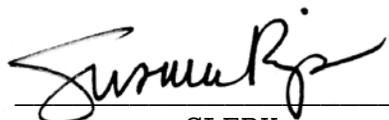
M-3103  
Index No. 109385/09

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 26, 2011 (Appeal No. 5177),

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 20, 2011.

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

-----X  
In the Matter of a Proceeding for  
Custody

Gerard B.,  
Petitioner-Respondent,

-against-

Johanny J.,  
Respondent-Appellant.

M-3743  
Docket Nos. V-08776/11  
V-33505/10

-----X  
Respondent-appellant/mother having moved for an order dismissing proceedings currently pending in Family Court, Bronx County, under Docket Nos. V-08776/11 and V-33505/10 and staying the order of the Family Court, Bronx County, entered on or about July 12, 2011, 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, and the interim relief granted by an order of a Justice of this Court dated August 15, 2011, is hereby 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 20, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X

Lee Rosenblum and Gail Rosenblum,

Plaintiffs-Appellants,

-against-

M-3914  
Index No. 109723/10

Marc J. Glogoff and Andrea Glogoff,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved to stay all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 1, 2011,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated August 25, 2011, is hereby 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 20, 2011.

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

-----X

Ona 510 Mezz Holdings LLC,

Plaintiff-Appellant,

-against-

**M-4046**

Index No. 600878/10

53<sup>rd</sup> Street & Madison Tower Mezz  
LLC,

Defendants-Respondents.

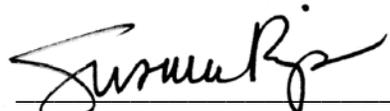
-----X

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

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X  
Lisa Bruno,  
Plaintiff-Appellant-Respondent,

-against-

Stephen Bruno, et al., M-2754  
Defendants-Respondents-Appellants, Index No. 116822/08

Dalton Greiner Hartman Maher & Co.,  
LLC, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 12, 2011 (Appeal No. 4186),

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 20, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
John R. Denza, et al.,  
Plaintiffs-Respondents,

-against-

Independence Plaza Associates, L.P.,  
et al.,  
Defendants-Appellants.

**M-3806**  
**M-3968**  
Index No. 117673/05

-----X  
Independence Plaza North Tenants'  
Association, et al.,  
Plaintiffs-Respondents,

-against-

Independence Plaza Associates, L.P.,  
et al.,  
Defendants-Appellants.

Index No. 113831/04

- - - - -  
Rent Stabilization Association of  
New York City, Inc., and Community  
Housing Improvement Program, Inc.,  
Amicus Curiae.

-----X  
Consolidated appeals having been taken from orders of the Supreme Court, New York County, both entered on or about September 2, 2010 (mot. seq. nos. 004 and 007), and said appeals having been perfected,

And defendants-appellants having moved to strike portions of plaintiffs-respondents' brief and for costs for this motion (M-3806),

And plaintiffs-respondents having cross-moved to have this Court take judicial notice of documents in an appendix offered for filing with their aforesaid brief (M-3968),

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 defendants-appellants' motion (M-3806), to the extent it seeks to strike portions of plaintiffs-respondents' brief is denied without prejudice to appellants addressing said issues on appeal (*see infra*). So much of the motion which seeks costs for this motion is denied. Plaintiffs-respondents' cross motion (M-3968) is granted to the extent of permitting this Court to take judicial notice of the material contained in Exhibit A to plaintiffs-respondents' cross motion. Plaintiffs-respondents are directed to immediately serve and file 9 copies of a supplemental appendix containing the aforesaid documents with the Clerk's Office of this Court. The consolidated appeals are adjourned to the December 2011 Term with defendants-appellants granted leave to withdraw and re-file appellants' reply brief on or before November 10, 2011 for said December 2011 Term, if so advised. (See M-4310, 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 20, 2011.

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

-----X  
John R. Denza, et al.,  
Plaintiffs-Respondents,

-against-

**M-4310**  
Index No. 117673/05

Independence Plaza Associates, L.P.,  
et al.,  
Defendants-Appellants.

-----X  
Independence Plaza North Tenants'  
Association, et al.,

Plaintiffs-Respondents,

-against-

Index No. 113831/04

Independence Plaza Associates, L.P.,  
et al.,

Defendants-Appellants.

- - - - -  
Rent Stabilization Association of  
New York City, Inc., and Community  
Housing Improvement Program, Inc.,

Amicus Curiae.

-----X

Consolidated appeals having been taken to this Court by the above-named appellants from orders of the Supreme Court, New York County, both entered on or about September 2, 2010 (mot. seq. nos. 004 and 007),

And an order of this Court having been entered on September 8, 2011 (M-3665), granting Rent Stabilization Association of New York City, Inc., and Community Housing Improvement Program, Inc., leave to file a brief amicus curiae in support of appellants,

And plaintiffs-respondents having moved to file a brief in response to the aforesaid brief amicus curiae,

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 plaintiffs-respondents to file 9 copies of the brief submitted with their counsel's Affirmation (Exhibit A) forthwith. The appeals are adjourned to the December 2011 Term in accordance with this Court's order M-3806/M-3968, decided simultaneously herewith. (See M-3806/M-3968, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", written over a horizontal line.

CLERK

At a 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 20, 2011.

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

-----X  
Judith Bandler,  
Plaintiff-Appellant,

-against-

M-3565  
Index No. 604244/05

JP Morgan Chase Bank, N.A.,  
Defendant/Third-Party Plaintiff/  
Respondent,

-against-

Brian Bandler,  
Third-Party Defendant-Respondent.

-----X

Respondent-appellant, JP Morgan Chase Bank, N.A., having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 1, 2010 (mot. seq. no. 002), for failure to timely perfect,

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

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

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 20, 2011.

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

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

-against-

M-3687  
Ind. No. 1104/98

Luis Munoz,  
Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 10, 2003, for failure to timely perfect,

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

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

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 20, 2011.

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

-----X  
Adriana Dimond and John B. Dimond, Jr.

Plaintiffs-Appellants,

-against-

M-3797  
Index No. 107351/08

Alana N. Weinheim, et al.,

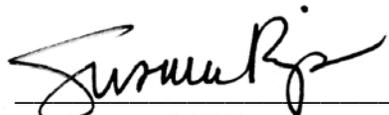
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 28, 2010, for failure to timely perfect,

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

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

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 20, 2011.

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

-----X

Justine Tumolo,

Plaintiff-Appellant,

-against-

M-3957

Index No. 109485/08

Ventura In Manhattan, Inc.,

Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 13, 2010, for failure to timely perfect,

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

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

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 20, 2011.

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

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

-----  
Hezekiah L.,  
Petitioner-Respondent,

M-3068  
Docket No. G-14635-04/07A

-against-

Pamela A. L., also known as  
Pamela L.-T.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the Order of Custody of the Family Court, Bronx County, entered on or about November 30, 2010, 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, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, New York 10013, Telephone No. 212-693-2330, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X  
In the Matter of

Cheyenne J.,

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

- - - - -  
Administration for Children's Services, M-3228  
Petitioner-Respondent, Docket No. NN-3138/07

Christian J.,  
Respondent-Appellant,

Tamek S.,  
Respondent.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 13, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 61 Broadway, Suite 1900, New York, New York 10006, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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

---

<sup>1</sup>Service 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 20, 2011.

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

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

-against-

M-3252  
Ind. No. 1163/06

Matthew Erving,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Charles H. Solomon, J.) entered on or about June 14, 2011, 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 8 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 Solomon as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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.

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 20, 2011.

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

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

-against-

M-3593  
SCID No. 30075/11

Henry Cooper,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Mullen, J.) entered on or about August 2, 2011, 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 Mullen as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, 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.

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 20, 2011.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-3253  
Ind. No. 6358/08

Rashid Bilal,  
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 15, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Jay Cohen, Esq., and to post the \$13,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1911  
Ind. No. 1191/08

Timothy Jones, also known as  
Timmy Jones,  
Defendant-Appellant.

-----X

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

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

It is ordered that the motion is denied with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Amelio P. Marino, 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 20, 2011.

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

-----x  
In the Matter of the Trust Created  
Under an Agreement dated April 2,  
1951, Settled by

Hyman Alpert,

M-3170  
Surrogate's Court  
File No. 4515/75

for the Benefit of Zane Alpert.

-----X  
In the Matter of the Trust Created  
Under an Agreement dated April 2,  
1951, Settled by

Hyman Alpert,

for the Benefit of Gail Alpert Kramer.

- - - - -  
Lois Katz and Faya Cohen,  
Co-Executors Respondents-Appellants.

-----X  
In the Matter of the Trust Created  
under an Agreement Dated April 6, 1951,  
Settled by

Hyman Alpert,

for the Benefit of Lynn Alpert Scheck.

-----x  
Consolidated appeals having been taken to this Court from orders of the Surrogate's Court, New York County, entered on or about January 14, 2010,

And co-executors respondents-appellants having moved 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 enlarging the time to perfect the consolidated appeals to on or before January 3, 2012 for the March 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----x  
Atlantic Mutual Insurance Company,  
as subrogee of Robert Soros and Melissa  
Soros,  
Plaintiffs-Respondents,

-against-

M-3376  
Index No. 600582/03

R/F Landscape Architecture P.C.,  
Defendant-Appellant,

Fort-Cica Roofing & General Contractors,  
Inc., et al.,  
Defendants-Respondents.

-----x

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

And defendant-appellant having moved for an enlargement of time to perfect the appeal until 60 days after plaintiff-respondent Atlantic Mutual Insurance Company's liquidation stay is lifted,

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 May 2012 Term, with leave to seek a further enlargement, if necessary.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

-----x  
Modus Telecom Limited,

Plaintiff-Respondent,

-against-

9278 Dot Com, Inc.,

Defendant-Appellant.  
-----x

M-3539  
Index No. 20573/09

Defendant-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 July 20, 2010,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

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

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

Respondent,

-against-

M-3774  
Ind. No. 4780N/07

Teronio Devarel,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 22, 2009, for leave to prosecute the appeal as a poor person, 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. (CPL 460.30)

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 20, 2011.

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

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

-against-

**M-4050**  
Ind. No. 307/08

Andrew Smith,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 5, 2009, having moved for leave to file a pro se supplemental brief, and for other relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before February 21, 2012 for the May 2012 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

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division  
-----X

The People of the State of New York,  
Respondent,

M-2941  
Ind. No. 1721-06

-against-

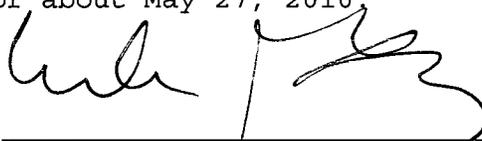
CERTIFICATE  
GRANTING LEAVE

Frankie Ramos

Defendant-Appellant.  
-----X

I, Karla Moskowitz , a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about May 27, 2010.<sup>1</sup>

Dated:  
New York, New York

  
\_\_\_\_\_  
Hon.  
Associate Justice

Entered Oct. 20, 2011

**NOTICE:** Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

---

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M - 3600  
Ind. No.  
3799/03

-against-

CERTIFICATE  
DENYING LEAVE

DELROY JOE, a/k/a DELROY JONES,  
  
Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 28, 2011 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: September 2, 2011  
New York, New York

ENTERED: **OCT 20 2011**

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M - 4103  
Ind. No.  
8637/91

-against-

CERTIFICATE  
DENYING LEAVE

PAUL EISENHAUER,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 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 13, 2011 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: October 7, 2011  
New York, New York

ENTERED: **OCT 20 2011**

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

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

M - 3624  
Ind. No. 6062/1988

-against-

CERTIFICATE  
DENYING LEAVE

Felix Mata a/k/a Juan Custodio Norberto  
Defendant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 17, 2011 is hereby denied.

SA-A  
Associate Justice

Dated: September 9, 2011  
New York, New York

ENTERED: **OCT 20 2011**

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

BEFORE: Hon. Nelson S. Román  
Justice of the Appellate Division

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

M-3314  
Ind. Nos.  
11716/92, 570/93

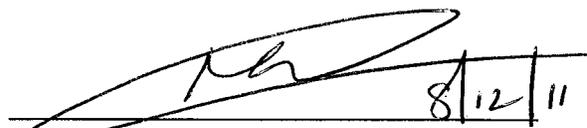
-against-

CERTIFICATE  
DENYING LEAVE

Alex Cruz, a/k/a Alexington Cruz,

Defendant.  
-----X

I, Nelson S. Román, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, rendered on or about March 24, 2011, is hereby denied.

  
Associate Justice

Dated:  
New York, New York

ENTERED:

OCT 20 2011

PM ORDERS

ENTERED ON

OCTOBER 18, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

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

-----X  
Deephaven Distressed Opportunities  
Trading, Ltd., et al.,  
Plaintiffs-Respondents,

-against-

M-4315

Index No. 600610/08

3V Capital Master Fund Ltd., et al.,  
Defendants.

-----X  
3V Capital Master Fund Ltd.,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 590803/08

Imperial Capital, LLC,  
Third-Party Defendant-Appellant,

Post Distressed Master Fund, LP, et al.,  
Third-Party Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 1, 2011, and said appeal having been perfected,

And an order of this court having been entered on September 15, 2011 (M-3681) staying arbitration pending hearing and determination of said appeal,

And an interim order of this Court having been entered on September 22, 2011 staying enforcement of the aforesaid order of this Court (M-3681), entered on September 15, 2011,

And plaintiffs having moved for an order vacating the aforesaid order 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 continuing the interim relief granted by a Justice of this Court, dated September 22, 2011, pending hearing and determination of the perfected appeals, and is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of the Application of  
Mark A. Landis, Temporary Guardian  
of the Property,  
Petitioner-Respondent,

**M-3446**

**M-3445**

For the Appointment of a Guardian for

Index No. 500155/10

Lea D., also known as Claire H.,  
also known as Claire D.,  
Respondent-Appellant,

An Alleged Incapacitated Person.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 13, 2011,

And an order of this Court having been entered on July 21, 2011 (M-2820), staying enforcement of the aforesaid order of the Supreme Court, entered on or about June 13, 2011, including trial, on condition said appeal is perfected for the November 2011 Term,

And an interim order of a Justice of this Court dated July 28, 2011 having granted the application of Barbara H. Urbach Lissner, Esq., to act as temporary personal needs guardian of Lea D.,

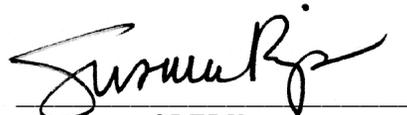
And David D. having moved for modification of certain aspects of the order of this Court entered on July 21, 2011 (M-2820),

And Barbara H. Urbach Lissner, Esq., temporary guardian of Lea D., having cross-moved for clarification that she remains as guardian of Lea D. (M-3445),

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-3446) is granted to the extent that the Supreme Court, New York County, is not precluded from appointing movant David D. (or another appropriate person) as Temporary Guardian of the Person of Lea D., pending hearing and determination of the appeal and otherwise denied. The interim order of a Justice of this Court, dated July 28, 2011, is vacated. The cross motion (M-3445) 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 18, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Philip Seldon,  
Plaintiff-Appellant,

-against-

M-4439  
Index No. 107264/09

Andrew J. Spinnell,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 28, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before December 5, 2011 for the February 2012 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Seth R. Rotter,  
Plaintiff-Respondent,

-against-

M-4084  
Index No. 600609/06

Alan S. Ripka, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect their appeal from orders and a judgment (same Court and Justice) of the Supreme Court, New York County, entered on or about September 15, 2010 and November 17, 2010, respectively,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of  
Stephanie G. Devins,  
Petitioner-Appellant,

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

M-4087  
Index No. 402427/09

New York City Housing Authority,  
Respondent-Respondent.

-----X

Respondent-respondent having moved to dismiss the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 21, 2010,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the February 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serve a copy of this order upon the appellant within ten days after the date of entry hereof.

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 18, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-4283**

Ind. No. 1664/09

Dewayne Robinson, also known as  
Dewayne Robertson,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 6, 2010,

And an order of a Justice of this Court, dated November 5, 2010 having, inter alia, granted defendant bail and a stay of execution of the aforesaid judgment for 120 days upon certain conditions,

And an order of this Court having been entered on August 18, 2011 (M-2410) reinstating and continuing the stay of execution granted by the order of a Justice of this Court dated November 5, 2010 on condition that the appeal be perfected for the December 2011 Term,

And defendant having moved for continuation of bail and stay of execution of the aforesaid judgment of the Supreme Court, Bronx County, rendered on or about October 6, 2010 pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted and the stay of execution of the aforesaid judgment is continued upon the same terms and conditions as stated in the order of a Justice of this Court dated November 5, 2010, and upon further condition that defendant perfects the aforesaid appeal on or before January 3, 2012 for the March 2012 Term. Upon failure to comply with the foregoing conditions within the time specified (or any extension thereof as may be granted), defendant shall surrender himself to Supreme Court, Bronx County or the execution of said sentence shall be resumed.

ENTER :

  
CLERK

PM ORDERS

ENTERED ON

OCTOBER 20, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Olga Nazario,

Plaintiff-Respondent,

**M-3666**

**M-3900**

-against-

Index No. 302887/09

The New York City Housing Authority,

Defendant-Appellant.

-----X  
The New York City Housing Authority,

Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 42060/09

Antoine Mitchell and Michael Jordan,

Third-Party Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 7, 2011, and said appeal having been perfected,

And an order of this Court having been entered on May 17, 2011 (M-1109) denying defendant/third-party plaintiff-appellant's motion to stay trial pending hearing and determination of the aforesaid appeal,

And plaintiff-respondent having moved for an order extending time to file a respondent's brief (M-3666),

And defendant/third-party plaintiff-appellant having cross-moved to renew its prior motion (M-1109) insofar as a stay of trial was sought pending hearing and determination of the aforesaid appeal (M-3900),

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-3666) is denied as moot, the respondent's brief having been filed. The cross motion (M-3900) is denied.

ENTER:

  
CLERK