

CORRECTED ORDER - April 13, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

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

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

-against-

Odane Bentley,  
Defendant-Appellant.

M-1217  
Docket No. 2010BX63865

-----X

An appeal having been taken from the judgment of the Supreme Court, **Bronx** County, rendered on or about October 10, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated March 8, 2012, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 10, 2012.

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

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

-against-

Jose Miranda Ramos,  
Defendant-Appellant.

M-1218  
Index No. 4282/10

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 29, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated February 27, 2012, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 10, 2012.

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

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

-against-

M-1377  
Ind. No. 2405/09

Rahim Harley,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated March 19, 2012, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 10, 2012.

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

-----X  
In the Matter of the Application of  
Barbara Moriarty, MD individually  
and on behalf of her ward, Catherine  
O'Malley, as Temporary Guardian,  
Petitioners,

For a Judgment Pursuant to Article 78 M-53  
of the Civil Practice law and Rules, Index No. 400942/11

-against-

Laura Visitación-Lewis, Justice of the  
Supreme Court of the State of New York  
County of New York,  
Respondent.

-----X

Petitioner having submitted an Article 78 petition,  
seeking relief in the nature of a writ of mandamus and for other  
related relief,

Now, upon reading and filing the papers with respect to  
the motion including the stipulation between the parties dated  
January 31, 2012, and due deliberation having been had thereon,

It is ordered that the proceeding is 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 April 10, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----x  
S.P.Y.A. The Israel Real Estate  
Company, Elitamar Management Ltd.,  
And Shimshon Gabay,  
Plaintiffs-Appellants,

-against-

M-877  
Index No. 652147/11

Salhit Gabay Shtrozberg also known  
as Sally Shtrozberg,  
Defendant-Respondent.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 21, 2012 (mot. seq. no. 003),

And plaintiffs-appellants having moved for relief in the nature of a preliminary appellate injunction, and for related relief,

Now, upon reading and filing the papers with respect to the motion and the correspondence from Karen E. Abravanel, Esq. dated March 8, 2012, and due deliberation having been had thereon,

It is ordered that the motion and appeal are 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 April 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
In the Matter of

Jevonni Issac G.,

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

**M-553**

Docket No. B3654/11

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

Victoria V.,  
Respondent-Appellant.

- - - - -  
Mark Leider, Esq., Lawyers for Children,  
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 January 12, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, 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 April 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

-against-

**M-874**  
Case No. 49180C/10

Djibril Cisse,  
Defendant-Appellant.  
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 13, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Emilienne Jean-Louis and  
Monlouis Jean-Louis,  
Plaintiffs-Respondents,

-against-

M-661  
Index No. 103447/09

Eighth Avenue Sky, LLC, and  
Marosu Realty Corporation,  
Defendants,

-and-

John T. Construction Inc.,  
Defendant-Appellant.

-----X

Defendant-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 March 31, 2011 (mot. seq. no. 004),

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 September 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 April 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Excise Bond Underwriters,  
Plaintiff-Appellant,

-against-

M-736  
Index No. 604433/06

Zurich American Insurance Company,  
also known as Zurich North American,  
et al.,  
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 July 1, 2011 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 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 April 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

-against-

M-737  
Ind. No. 4625/11

Robert Mangieri,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 24, 2011,

And defendant-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before August 6, 2012 for the October 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 April 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
In the Matter of the Application of  
Abram Bauman and Lyudmila Bauman,  
Petitioners,

**M-956**  
Index No. 401808/10

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

-against-

N.Y.S. Division of Housing and Community  
Renewal,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 29, 2010,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time in which 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, to the extent it seeks poor person relief, is denied as academic, said relief having been afforded by the order of this Court entered October 25, 2011 (M-4116). The motion to the extent it seeks an enlargement of time to perfect, is denied, with leave to renew upon proof of service of the motion papers herein upon Gary R. Connor, Esq., General Counsel for respondent NYSDHCR.

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 April 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Americana Capital Corp.,  
Plaintiff-Respondent,

-against-

M-1387  
Index No. 604179/05

Phyllis Nardella, Executrix of the  
Estate of Allen J. Goodman, Esq.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 16, 2011 (mot. seq. no. 004), and said appeal having been perfected,

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

It is ordered that the motion is granted.

ENTER:



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 April 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

Sharon L. Ross, as Administratrix of the Property Goods and Chattels of the Estate of Robert F. Ross, Deceased, and Elijah Franklin Osman Ross, an infant under the age of 18 years, by Sharon Ross, the guardian of his property,  
Plaintiff-Respondent-Appellant,

**M-727**

**M-801**

**M-966**

Index No. 108017/10

-against-

George Saravanos, et al.,  
Defendants,

Goldfarb, Abrandt, Salzman & Kutzmin,  
LLP,  
Defendant-Appellant-Respondent.

-----X

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

And defendant-appellant-respondent having moved for an enlargement of time in which to perfect their direct appeal (M-727),

And defendants, Cooper Investors T.W. Wang, Inc. and Cooper Hotel Investors, LLC, having cross-moved to dismiss the appeal taken by defendant, Goldfarb, Abrandt, Salzman & Kutzmin, LLP (M-801),

And plaintiff-respondent-appellant having moved to enlarge the time in which to perfect their cross appeal (M-966),

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

Ordered that the motions are granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to on or before August 6, 2012 for the October 2012 Term (M-727/M-966), and the cross motion is denied (M-801).

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 April 10, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x

Pat Murphy,  
Petitioner,

-against-

M-2234  
Index No. 107161/10

New York City Parking Violations Bureau,  
Respondent.

-----x

A purported appeal having been taken from an order to Show Cause of the Supreme Court, New York County, entered on or about March 2, 2011 (mot. seq. no. 002),

And petitioner having moved for poor person relief with respect to the Order to Show Cause, and for other relief,

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

It is ordered that the motion is denied, without prejudice to petitioner renewing such relief, if so advised, with respect to an appeal from the order of said Court entered on or about November 19, 2010, upon proof of a timely served and filed notice of appeal from the November 19, 2010 order, which shall include an affidavit as to whether and when petitioner was served with the aforesaid order with notice of entry by respondent. Petitioner is directed to serve any subsequent motions upon the respondent.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on April 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Moshe L. Lax,  
Plaintiff-Respondent,

-against-

**M-1147**  
Index No. 652927/11

Barry Hartheimer,  
Defendant,

Lenny Linsker,  
Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about February 10, 2012 (mot. seq. no. 003) and on or about March 5, 2012, respectively,

And defendant-appellant having moved for a stay of proceedings pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated March 8, 2012, is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X

Armand Retamozzo,  
Plaintiff-Appellant,

-against-

M-1086  
Index No. 113920/09

Jason Quinones, et al.,  
Defendants-Respondents,

Diana Friedland, et al.  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 8, 2010, and said appeal having been perfected,

And plaintiff-appellant having moved for an order staying 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 April 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Barbara Demeri, also known as Barbara  
Stephenson,

Petitioner,

-against-

**M-462**

Index No. 305701/04

Francis Demeri,

Respondent.  
-----X

Petitioner having moved, pursuant to CPLR 5704(a), for affirmative relief declined by a Justice of the Supreme Court, New York County, on or about January 18, 2012,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

-against-

M-812  
Ind. No. 6084N/08

Derrick Moultrie, also known as  
Derrick Moultric,  
Defendant-Appellant.

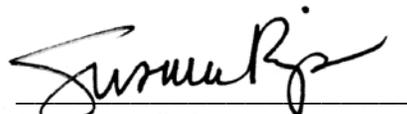
-----X

Defendant-appellant having renewed the motion for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about May 25, 2010, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of deeming the pro se supplemental briefs submitted with the motion as timely filed for the September 2012 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Dean Carotenuto,  
Plaintiff-Appellant,

-against-

M-986  
Index No. 300049/10

Raymond William Carotenuto, Jr.,  
et al.,  
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, Bronx County, entered on or about May 12, 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 on or before July 9, 2012 for the September 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 April 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Pine Street Associates, L.P.,  
Plaintiff-Appellant,

-against-

**M-1092**

Index No. 652109/10

Southridge Partners, L.P., et al.,  
Defendants-Respondents.

-----X

Consolidated appeals having been taken from the order of the Supreme Court, New York County, entered on or about September 12, 2011, and from the order of same Court entered on or about October 6, 2011, and said appeals having been perfected,

And the law firm of Moses & Singer LLP (Robert S. Wolf, of counsel) having moved for leave to withdraw as counsel for defendants-respondents,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants-respondents dated March 13, 2012, 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 April 10, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

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

Victor S., etc., M-542  
Petitioner-Respondent, Docket No. O-2274/11

-against-

Kareem J. S.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Protection of the Family Court, New York County, entered on or about January 23, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Douglas Reiniger, Esq., 801 Second Avenue, 10<sup>th</sup> Floor, New York, New York 10017 Telephone No. 212-972-5430, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available 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**

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

**order**; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-707, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style. The signature is positioned above 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 April 10, 1012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

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

- - - - -  
Victor S., etc.,  
Petitioner-Respondent,

M-707  
Docket No. O-2274/11

-against-

Kareem J. S.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the Order of Protection of the Family Court, New York County, entered on or about January 23, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel R. Katz, Esq., 339 West 88<sup>th</sup> Street, Apt. #3, New York, New York 10024, Telephone No. 917-886-5620, 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. (See M-542, 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 April 10, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-1117  
Ind. No. 2620/06

William Hill,  
Defendant-Appellant.

-----X

An order of this Court having been entered May 4, 2010, granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 1, 2010, leave to have the appeal heard upon the original record and a reproduced appellant's brief, and assignment of counsel (M-1383),

And defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the aforesaid appeal,

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

It is ordered that the motion is denied as premature, said appeal not having been perfected by assigned counsel.

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 April 10, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
IG Second Generations Partners,  
Petitioner-Landlord,

-against-

M-1304  
Ind. No. 203848/02

New York State Division of  
Housing and Community Renewal,  
Respondent-Respondent.

-----X

Petitioner-landlord having moved pursuant to CPLR 5704(a) for affirmative relief denied by a Justice of the Supreme Court, New York County, on or about February 23, 2012,

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

It is ordered that the motion is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

-against-

**M-904**  
Ind. No. 857/10

Kasien Adderly,  
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 September 12, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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, Darius Wadia, Esq., to post the \$15,000 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 April 10, 2012.

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

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

-against-

**M-560**  
Ind. No. 4202/04

José Cruz,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 17, 2011,

And Robert S. Dean, Esq., assigned counsel for defendant, having moved for an order dismissing the aforesaid appeal by reason of defendant's deportation,

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 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 April 10, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x  
Stephen McGhee,

Plaintiff-Appellant,

-against-

M-1318  
Index No. 113614/10

Nancy Bresson Odell, individually and  
as Executrix of the Estates of Juris  
and Baiba Brensson,

Defendant-Respondent.  
-----x

An appeal having been taken from the order of the order of the Supreme Court, New York County, entered on or about February 2, 2012 (mot. seq. no. 002), and said appeal having been perfected,

And plaintiff-appellant having moved for preference in hearing of the appeal,

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

It is ordered that the motion is granted to the extent of directing the Clerk to calendar the appeal during the first week of the June 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 April 10, 2012.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

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

- - - - -  
Jill S., M-1035  
Petitioner-Appellant, Docket No. O-12762/11

-against-

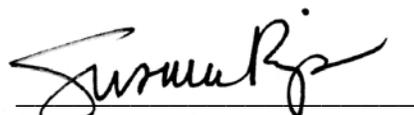
William J. O.,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about February 17, 2012, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Sallie Manzanet-Daniels, Justices.

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

-against-

**M-623**  
SCI. No. 3809/11

Jose Vasquez, also known as Jose Cuevas,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 5, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-----  
Shawnta L-K., M-3071A  
Petitioner-Respondent, Docket No. V30377/10

-against-

Melvin K.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 10, 2011, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, 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

---

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

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.** The order of this Court entered on September 29, 2011 (M-3071) is hereby recalled and vacated.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is 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 April 10, 2012.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

**M-777**  
Ind. No. 1842/98

Kamal Gajadhar,

Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 14, 2011,

And defendant-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 10, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----x  
Adolfo Arreola, et al.,

Plaintiffs-Respondents,

-against-

M-1158  
Index No. 106838/11

Teresa Giudice, et al.,

Defendants-Appellants.  
-----x

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

And defendants-appellants having moved for a stay of pre-hearing conference and summary hearing scheduled for March 12, 2012 and April 10-11, 2012, 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, and the interim relief granted by a Justice of this Court on March 8, 2012, is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

Present: Hon. David Friedman, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

M-823  
SCID. No. 30174/10

Heriberto Cruz,  
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 (Padro, J.) entered on or about February 7, 2012, 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 Padro 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 April 10, 2012.

PRESENT - Hon. David Friedman, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

M-906  
Ind. No. 2314/10

Pedro Jiminez,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 12, 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 granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

Present - Hon. David Friedman, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----x

In the Matter of the Application of  
Patricia James,  
Petitioner-Appellant,

For an Order, etc.,

M-1123

Index No. 402207/11

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----x

Respondent-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about November 28, 2011, for failure to timely prosecute,

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

It is ordered that the motion is denied, with leave to renew upon submission of proof of service of the moving papers on petitioner-appellant at her at her last known address after diligent inquiry as to same, and upon Kofi Scott, Esq., 305 Broadway, 9<sup>th</sup> Fl., New York, New York 10007, counsel for petitioner-appellant, within 20 days of 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 April 10, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Steven C.,

A Person Alleged to be a Juvenile  
Delinquent,

M-908  
Docket No. D611/11

Appellant.  
-----X

Appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Family Court, Bronx County, entered on or about May 9, 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 September 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 April 10, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Adrian Bailey,  
Plaintiff-Respondent,

-against-

Disney Worldwide Shared Services  
and George Tyspin,  
Defendants-Appellants-Respondents,

M-673  
Index No. 113072/08

Showman Fabricators, Inc.,  
Defendant-Respondent-Appellant,

Niscon, Inc., et al.,  
Defendant.

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

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 29, 2010 (mot. seq. no. 004),

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect their appeal,

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 to the extent of enlarging the time in which to perfect the appeal and cross appeal to the October 2012 Term.

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,

Respondent,

M-176  
Ind. No. 8131/97

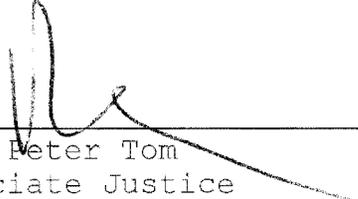
-against-

CERTIFICATE  
DENYING LEAVE

Carl Dushain,

Defendant.  
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 9, 2010 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: March 22, 2012  
New York, New York

**ENTERED** APR 10 2012

PM ORDERS  
ENTERED ON  
APRIL 10, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

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

-----  
Keisha G.-S.,  
Petitioner-Respondent,  
  
-against-

M-1129  
Docket No. O-8975/06

Alphonso S.,  
Respondent-Appellant.

-----X  
Keisha, G.-S.,  
Plaintiff-Respondent,  
  
-against-

Index No. 76176/07

Alphonso S.,  
Defendant-Appellant.

-----X  
Monica Eskin,  
Attorney for the Children.

An appeal having been taken from the order of Family Court, Bronx County, entered on or about November 12, 2009 [Docket No. O-8975/06], said appeal having been perfected,

And, an appeal having been taken from appeal from the order of Supreme Court, Bronx County, entered November 17, 2010 [Index No. 76176/07],

And defendant/respondent-appellant, having moved for an enlargement of time in which to perfect the aforesaid appeal from the order of Supreme Court, Bronx County, entered November 17, 2010 [Index No. 76176/07],

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2012.

Present: Hon. David Friedman, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Financial Structures Limited, et al.,  
Plaintiffs-Appellants,

-against-

**M-1155A**  
Index No. 601159/08

UBS AG and UBS Securities LLC,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 17, 2012, and said appeal having been perfected,

And plaintiffs-appellants having moved for a calendar preference in the hearing of their appeal, and an expedited decision thereof,

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 the Clerk to maintain the aforesaid appeal on the calendar for the June 2012 Term. (The order of this Court, entered on April 3, 2012 [M-1155] is hereby recalled and vacated.)

ENTER:

  
CLERK