

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 February 9, 2012.

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

-----X
Jeffrey K. Callahan and Wendy D.
Callahan,
Plaintiffs-Respondents,

-against-

M-233X
Index No. 107620/08

Newmark Construction Services, LLC,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 11, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 12, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 February 9, 2012.

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

-----X
Margaret Riebe,
Plaintiff-Appellant,

-against-

M-234X
Index No. 109623/06

Idan Elkon,
Defendant,

Yaskow Elkon
Defendant-Appellant,

Graphnet, Inc.,
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about September 24, 2010 (mot. seq. nos. 003, 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 12, 2012, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 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-259
Ind. No. 5646/10

John Moultrie,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 1, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated January 12, 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 February 9, 2012.

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

-----X
Waxman Real Estate LLC, et al.,
Plaintiffs-Appellants,

-against-

M-305X
Index No. 652057/10

Jacob C. Sacks, et al.,
Defendants-Respondents.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 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 February 9, 2012.

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

-----X
Aon Risk Services Northeast, Inc.,
A New York Corporation and AON
Corporation, a Delaware Corporation,
Plaintiffs-Respondents,

-against-

M-341X
Index No. 651673/11

Michael Cusack, an individual and
Alliant Insurance Services, Inc.,
A Delaware Corporation,
Defendants-Appellants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about September 29, 2011 (mot. seq. no. 003), and October 14, 2011 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 20, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 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,

-against-

M-1999
Docket No. 880C/09

Rafael Taveras,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 4, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 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,

-against-
Albert Springer,

M-2002
Docket No. 24099C/09

Defendant.
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 17, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 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,

-against-

M-2087
Docket No. 20935C/09

Elias Valencia,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 28, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 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,

-against-

M-2088

Docket No. 25556C/09

Roy Shivers,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 24, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 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,

-against-

M-2097
Docket No. 13725C/09

Knollis Smith, also known as Knollis R.
Smith,

Defendant.

-----x
Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 30, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 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,

-against-

M-2091
Docket No. 13834C/09

Joseph Stuckey,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 27, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

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

-----X
Victoria David, as Executrix of the goods, Chattels and credits that were of Alberta David, deceased, Plaintiff-Respondent,

-against-

M-137X
Index No. 16628/05

Narendralall Persaud, D.O., et al.,
Defendants-Respondents,

Philip Martin Hutchinson, D.O.,
Defendant-Appellant-Respondent,

Daniel Cerbone, M.D.,
Defendant-Respondent-Appellant,

Ronald Joseph Verrier, M.D.,
Defendant-Appellant-Respondent.

-----X

Appeals and a cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 10, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 11, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

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

-----X
Jane Wheeler,

Plaintiff-Respondent,

-against-

Robert C. Wheeler,

Defendant-Appellant.
-----X

M-5631

Index No. 300662/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 12, 2011 (mot. seq. no. 026),

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

Now, upon reading and filing the stipulation of the parties hereto, dated December 20, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 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
Lechar Realty Corp. and Lechar
Realty, LLC,
Petitioners-Appellants,

For an Order Pursuant to Article 78 M-5707
of the Civil Practice Law and Rules, Index No. 115861/07

-against-

Steven Lawitts, as Executive
Director of the New York City
Water Board and Emily Lloyd as
Commissioner of the New York
City Department of Environmental
Protection,
Respondents-Respondents.

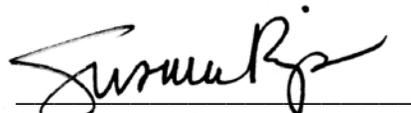
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 6, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated December 2, 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 February 9, 2012.

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

-----X

John Kostkowicz,

Plaintiff-Respondent,

M-299

Index No. 104240/05

-against-

The Roxy Roller Rink, et al.,

Defendants-Appellants.

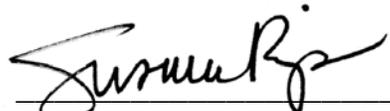
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 11, 2011 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated January 9, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 February 9, 2012.

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

-----X
Yanique Brown,
Plaintiff-Respondent-Appellant,

-against-

M-160
Index No. 109552/09

The Bank of New York Melon
Corporation, Individually and
as Successor Trustee Under
Novastar Mortgage Funding
Trust Series 2006-3,
Defendant-Appellant-Respondent.
-----X

An appeal and cross appeal having been taken from of the Supreme Court, New York County, entered on or about June 27, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated October 24, 2011, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the December 2011 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

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

-----X
Andrzej Buszko,

Plaintiff-Appellant,

-against-

M-337
Index No. 307205/07

The City of New York, New York City
Industrial Development Agency, Yankee
Stadium LLC, New York Yankees
Partnership and Turner Construction,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 21, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated January 24, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 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 February 9, 2012

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

-----X
McMahan Securities Co., L.P.,
Plaintiff-Respondent,

-against-

M-347
Index No. 111952/08

Kleinberg, Kaplan, Wolff & Cohen,
P.C., David Parker and Martin D.
Sklar,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 12, 2010 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated January 17, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2012 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 February 9, 2012.

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

-----X

Sameh Magid,
Plaintiff-Appellant,

-against-

M-310
Index No. 113573/10

Susan Almrud,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 13, 2011 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated January 19, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2012 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 February 9, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

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

-against-

M-5880

Ind. No. 1892/10

Hector Velez,
Defendant-Appellant.

-----X

Defendant having renewed his 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 July 28, 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 granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 February 9, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

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

-against-

M-5879
Ind. No. 3651/08

Vernon Sharp,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 13, 2011 (M-5643), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 11, 2010, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-5848
Ind. No. 710/08

Lloyd Nicholson,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, Bronx County, rendered on or about August 6, 2010,

And the Correction Officers Benevolent Association having moved for leave to file a brief amicus curiae 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 granted, and movant is directed to file 9 copies of their amicus curiae brief on or before February 24, 2012 for the June 2012 Term, to which Term the appeal is adjourned. Respondent is permitted to file a response thereto on or before April 18, 2012 for said 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 February 9, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X

Yvonne Benjamin,

Plaintiff-Respondent,

-against-

M-5716

Index No. 117150/07

Avis Rental Group, LLC,

Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 30, 2011,

And defendant-appellant having moved to enlarge the record on appeal to include the appellate record filed in the matter *O'Leary v Saugerties Cent. School District*, 277 AD2d 662 [3rd Dept. 2000], and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Robert E. Kodsi,
Plaintiff-Respondent-Appellant/
Appellant-Respondent,

-against-

M-5621
M-61
Index No. 109620/07

Steve T. Gee and Steven T. Gee, P.C.,
Defendants-Appellants-Respondents/
Respondents-Appellants.

-----X

An appeal having been taken by defendants from the order of the Supreme Court, New York County, entered on or about March 21, 2011 (mot seq. no. 005), and plaintiff having taken a cross appeal from the same order,

And an appeal having been taken by plaintiff from the order of said Supreme Court entered on or about June 21, 2011 (mot. seq. no. 006), and defendants having taken a cross appeal from the same order,

And defendants having moved for an enlargement of time in which to perfect their respective appeal and cross appeal from the aforesaid orders [M-5621],

And plaintiff having moved for an enlargement of time in which to perfect his respective appeal and cross appeal from the aforesaid orders [M-61],

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 granted to the extent of enlarging the time in which to perfect the respective appeals and cross appeals to on or before March 19, 2012 for the June 2012 Term. In the event the respective appeals and cross appeals from both aforementioned orders are so perfected, the Clerk is directed to calendar the respective appeals and cross appeals for hearing together. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 February 9, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Angela Betancourt and Tomasita
Betancourt, as Administrator of
the Estate of Richard P. Betancourt,

Plaintiffs-Respondents,

M-5709

Index No. 104905/09

-against-

Postal Transport, Inc., et al.,

Defendants,

Hale Trailer Brake & Wheel, Inc.,

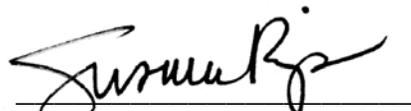
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from order of the Supreme Court, New York County, entered on or about October 4, 2010 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time 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 February 9, 2012.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Roselyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

- - - - -
Bobby L. H.,
Petitioner-Appellant,

-against-

M-5705
Docket No. F671-95/10J

Rosa M. H.,
Respondent-Respondent.

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

-----x
An order of this Court having been entered on September 29, 2011 (M-2858), inter alia, granting petitioner leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about March 31, 2011, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal,

And petitioner-appellant having moved for leave to withdraw the aforesaid appeal, and to relieve assigned counsel,

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

It is ordered that the motion is granted, the appeal is withdrawn, and Steven N. Feinman, Esq., is relieved as 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 February 9, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Constantine Spathis,

Plaintiff-Respondent,

-against-

M-5812
Index No. 302534/08

Alina Dulimof Spathis,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 31, 2011 (mot. seq. no. 010), for leave to have the appeal heard upon the original record and upon a reproduced appellant's 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 permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

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

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

-against-

M-5704
Ind. No. 4826/10

Pierre Appolon,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 17, 2011 (M-4366), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 14, 2011, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

Nuri M. Akkoc,
Plaintiff-Appellant,

-against-

12-14 E. 37th Development Corp.,
Defendant-Respondent,

Caldwell-Wingate Co., Inc.,
et al.,
Defendants.

-----X

M-5877
M-228
Index No. 107610/05

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 3, 2011,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-5877),

And defendant-respondent, 12-14 E. 37th Development Corp., having cross-moved to dismiss plaintiff's aforesaid appeal (M-228),

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 time in which to perfect the appeal is enlarged to on or before March 19, 2012 for the June 2012 Term (M-5877). Appeal dismissed unless perfected for said June 2012 term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendant-respondent serves a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof (M-228).

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 February 9, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-238
Ind. No. 6470/04

Mark Jakubek,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 16, 2011,

And an order of a Justice of this Court, dated September 22, 2011, having granted defendant a stay of execution of sentence upon certain conditions,

And defendant-appellant having moved for an order continuing the stay of execution of sentence 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 to the extent of continuing the stay of execution of sentence granted by an order of a Justice of this Court on September 22, 2011 pending hearing and determination of the appeal, on the same terms and conditions, except that the condition that the appeal be perfected within 120 days is replaced by the condition that the appeal be perfected on or before July 9, 2012 for the September 2012 Term or for such other Term as may be ordered by the 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 February 9, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

-----X

Nikiyah S. Blackman,
Plaintiff-Respondent,

-against-

M-5509

Index No 101743/02

The Hit Factory, et al.,
Defendants-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 19, 2010,

And an order of this Court having been entered on October 27, 2011 (M-4041), dismissing plaintiff-respondent's appeal for failure to timely perfect, and directing defendants to perfect their cross appeal as direct appellants for the February 2012 Term, and defendants having complied with the Court's directive,

And an order of a Justice of this Court dated January 24, 2012, having adjourned defendants' perfected appeal to the April 2012 Term of this Court,

And plaintiff-respondent having moved for an order reinstating her appeal previously dismissed by the aforesaid order of this Court entered on October 27, 2011 (M-4041),

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

Ordered that plaintiff-respondent's motion is denied, and the Clerk is directed to maintain defendants' appeal on the April 2012 calendar.

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 February 9, 2012.

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

-----X
Antonio Papallo,

Plaintiff-Appellant,

-against-

M-5664
Index No. 301606/09

The City of New York, 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 March 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 granted to the extent of enlarging the time in which to perfect the appeal to 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 February 9, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

Hector Salva,

Plaintiff-Respondent,

-against-

M-5566

Index No. 309214/08

City Waste Services of New York,

Defendant-Appellant,

Joel Lopez,

Defendant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 17, 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 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 February 9, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-68

Ind. No. 9730/98

Taiwn Jenkins,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about June 2, 2010, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before March 19, 2012 for the June 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

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 February 9, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

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

- - - - -
Derek J. W., Jr., Docket No. V4046/10
Petitioner-Appellant,
-against-

M-15

Susan R.,
Respondent-Respondent.
-----X

An appeal having been taken from the order of visitation of the Family Court, Bronx County, entered on or about October 29, 2010, and said appeal having been perfected,

And respondent-respondent having moved for an order striking petitioner-appellant's brief,

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

Ordered that the motion is 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 February 9, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x
Anthony R. Daniele,
Plaintiff-Respondent,

-against-

M-5878

M-89

Index No. 603336/08

Kimi C. Puntillo,
Defendant-Appellant.

-----x

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about October 5, 2011, for failure to timely perfect (M-5878),

And defendant-appellant having cross-moved for summary reversal of the aforesaid order or, in the alternative, for an enlargement of time to perfect the appeal (M-89),

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-5878) is granted and the appeal is dismissed unless it is perfected on or before March 19, 2012 for the June 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided plaintiff-respondent serves a copy of this order upon defendant-appellant within 10 days after the date of entry hereof. The cross motion (M-89) is granted to the extent of enlarging the time to perfect the appeal for said June 2012 Term, and the cross 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 February 9, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Nelson S. Román, Justices.

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

-against-

M-5254
Ind. No. 1998/97

David Rivera,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the order of the Supreme Court, New York County, entered on or about April 8, 2011, denying defendant's motion for DNA testing pursuant to CPL 440.30[1][a], 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 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 applicable to defendant's CPL 440.30[1][a] motion in Supreme Court. 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 February 9, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Lisa S., **M-5571**
Petitioner-Respondent, Docket No. 0-10755/09

-against-

William V.,
Respondent-Appellant.
-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the perfected appeal taken from the order of the Family Court, Bronx County, entered on or about January 17, 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, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, Telephone No. (212) 972-5430, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, respondent-appellant's appeal is adjourned to the May 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 February 9, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Nelson S. Román, Justices.

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

Respondent,

-against-

M-5772
Ind. No. 5906/09

James Beckford, also known as
James A. Beckford, Jr.,

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 November 4, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Brian Packett, Esq., the amount and sources of funds used 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 February 9, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Nelson S. Román, Justices.

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

Respondent,

-against-

M-5788

Ind. No. 498/10

Lloyd Friedland,

Defendant-Appellant.

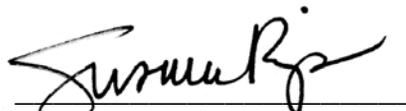
-----X

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 October 27, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, M. Weinstein, 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 February 9, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Nelson S. Román, Justices.

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

Respondent,

-against-

M-5789
Ind. No. 2314/10

Pedro Jiminez,

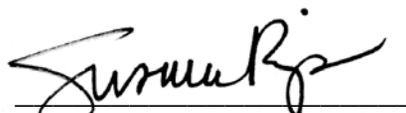
Defendant-Appellant.
-----X

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, George Sheinberg, Esq., to post the \$25,000 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 February 9, 2012.

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

Jessica Lee C., M-2780
Petitioner-Respondent, Docket No. V-09406-01/07C

-against-

Isiadro G.,
Respondent-Appellant.
-----x

Petitioner having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about May 2, 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 denied, with leave to renew, if so advised, upon assignment of counsel to respondent-appellant Isiadro G.. (See M-2583, entered August 25, 2011.)

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 February 9, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against-

Russell Alam,

Defendant.

-----X

M-5767

Ind. Nos. 2354/03
5938/03

An order of this Court having been entered on July 13, 2010 (M-2214) granting defendant's motion to dismiss the appeal taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about June 11, 2009 to the extent of deeming the appeal withdrawn,

And defendant having moved for an order reinstating 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 February 9, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Maria Torres,

Plaintiff-Appellant,

M-107

Index No. 304476/10

-against-

J.C. Penney Corporation, 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 March 30, 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 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 February 9, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Chardonnay Wilson, an infant by
her Mother and Natural Guardian
Donna Wilson, and Donna Wilson,
Individually,
Plaintiff-Respondent,

-against-

M-116
Index No. 350440/08

The New York City Health and
Hospitals Corporation (Jacobi
Medical Center),
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, Bronx County, entered on or about March 28, 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 February 9, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Naomi Gonzalez,
Petitioner-Appellant,

-against-

M-5826
Index No. 401323/11

New York City Department of Housing
Preservation and Development,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about November 25, 2011, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5756

Ind. No. 30043/11

Miguel Goitia,

Defendant-Appellant.

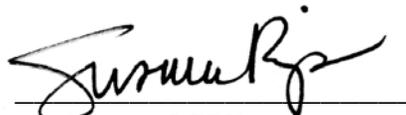
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County (Marcy Kahn, J.), entered on or about May 11, 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 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 February 9, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x
George J. Beraka, M.D.,
Plaintiff,

-against-

M-5399
Index No. 570834/02

Danielle Biton and Crystal Biton,
Defendants.

-----x

Defendants having appealed to the Court of Appeals of the State of New York from the order of the Supreme Court, Appellate Term, First Department, entered on or about May 17, 2010, which affirmed orders of the Civil Court, New York County, dated January 5, 2004 (Oing, J.) and December 30, 2009 (Bluth, J.), and said appeal to the Court of Appeals having been dismissed,

And defendants pro se having moved in this Court for unspecified relief related to the aforesaid appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion deemed one for leave to appeal from the aforesaid order of the Appellate Term, First Department, and for related relief, 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 February 9, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x
George J. Beraka, M.D.,
Plaintiff,

-against-

M-5399
Index No. 570834/02

Danielle Biton and Crystal Biton,
Defendants.

-----x

Defendants having appealed to the Court of Appeals of the State of New York from the order of the Supreme Court, Appellate Term, First Department, entered on or about May 17, 2010, which affirmed orders of the Civil Court, New York County, dated January 5, 2004 (Oing, J.) and December 30, 2009 (Bluth, J.), and said appeal to the Court of Appeals having been dismissed,

And defendants pro se having moved in this Court for unspecified relief related to the aforesaid appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion deemed one for leave to appeal from the aforesaid order of the Appellate Term, First Department, and for related relief, 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 February 9, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

-against-

M-5289
Ind. No. 7219/02

Sheldon Parker,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of **resentence** of the Supreme Court, New York County, rendered on or about October 24, 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 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 **resentence**. 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 February 9, 2012.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----x
Moshe Steinmetz,

Plaintiff-Respondent,

-against-

Samuel-Rozenbaum USA, Inc.,

Defendant-Appellant.
-----x

M-5327
Index No. 600808/07

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about September 23, 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 June 2012 Term.

ENTER:


CLERK

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

BEFORE: Hon. James M. Catterson
Justice of the Appellate Division

-----X
K.S. Contracting Corporation

Petitioner,

M-3737
Ind. No. 107131/11

For a Judgment Pursuant to Article 78 of
the Civil Practice Law and Rules that the
determination of Petitioner's bid for
Project No. PV467BRAC (PIN 8582011PV0004C)
to be non-responsive is illegal, arbitrary,
and capricious,

-against-

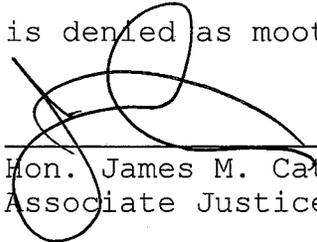
The New York City Department of Design &
Construction, et al,

Respondents.
-----X

Petitioner-appellant having moved for leave to appeal to
this Court from order of Supreme Court, New York County, entered
on or about August 2, 2011, and for related relief,

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

It is ordered that the motion is denied as moot.



Hon. James M. Catterson
Associate Justice

Dated: January 23, 2012
New York, New York

ENTERED: February 9, 2012

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

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

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

Respondent,

-against-

M-267
Ind. No. 6298/92

CERTIFICATE
GRANTING LEAVE

Leonel Pinilla, Defendant-Appellant.
-----X

I, Hon. Leland G. DeGrasse, 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, New York County, entered on or about November 30, 2011.¹

Dated: New York, New York
January 26, 2012

Entered: February 9, 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

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.

¹In 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. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-4354
Ind. No. 6807/89

-against-

CERTIFICATE
DENYING LEAVE

Jose Urena,

Defendant.

-----X

I, Sallie Manzanet-Daniels, 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 May 20, 2011 is hereby denied.


Associate Justice

Dated: January 27, 2012
New York, New York

ENTERED: February 9, 2012

PM ORDERS

ENTERED ON

FEBRUARY 9, 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 February 9, 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 the Application of

Walid Hassin,
Petitioner-Appellant,

M-3063
Index No. 250389/11

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

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

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 27, 2011,

And petitioner having moved for leave to prosecute the appeal as a poor person, upon the original record and reproduced petitioner's brief, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of 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 Attorney General of the State of New York and files 8 reproduced copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

Pursuant to Section 35 of the Judiciary Law, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. (914) 949-8214, is assigned as counsel for petitioner-appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of 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 February 9, 2012.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----x
MSCI Inc., Financial Engineering
Associates, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-301
Index No. 651451/11

Philip Jacob,
Defendant-Respondent,

-and-

Axioma, Inc., et al.,
Defendants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 14, 2011 (mot. seq. no. 002), and said appeal having been perfected,

And defendant-respondent having moved for leave to file a supplemental record on appeal to include certain material attached as Exhibit A. to the moving papers,

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

It is ordered that the motion is granted, and defendant-respondent is directed to serve and file 9 copies of a supplemental record on appeal containing the aforesaid exhibit. Sua sponte, the appeal is adjourned to the May 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 February 9, 2012.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----x
Pat Roddy,
Plaintiff-Respondent,

-against-

Nederlander Producing Company of
America, Inc. and The Gershwin Theatre,
Defendants-Appellants.

M-48
Index No. 113659/02

- - - - -
Nederlander Producing Company of
America, Inc. and The Gershwin Theatre,
Third-Party Plaintiffs-Appellants,

-against-

Abhann Productions, Inc.,
Third-Party Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 30, 2011 (mot. seq. no. 014), and said appeal having been perfected,

And defendants/third-party plaintiffs-appellants having moved for a stay of trial pending hearing and determination of the aforesaid 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 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 February 9, 2012.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----x
Blanche Reid,

Plaintiff-Respondent,

-against-

Phipps House Services, Inc.,
Defendant-Appellant,

M-230
Index No. 108332/10

-and-

Bellevue South Associates, L.P.,
Defendant.

-----x

An appeal having been taken to this Court by defendant-appellant from the order of the Supreme Court, New York County, entered on or about October 25, 2011, and said appeal having been perfected,

And defendants having moved for a stay of trial 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.

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 February 3, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando Acosta
Helen E. Freedman
Roselyn H. Richter, Justices.

-----X
In the Matter of the Application of
New York Skyline, Inc. and Calaif Parks,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 M-480
of the Civil Practice Law and Rules, Index No. 106840/11

-against-

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

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 17, 2011, and said appeal having been heard [Appeal No. 6861],

And petitioners-appellants having moved for a temporary restraining order and preliminary injunction pending 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 enforcement of the provisions of Administrative Code §§ 20-452 and 453 is hereby stayed as to the petitioners-appellants pending determination of the aforesaid appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 9, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-5749
Ind. No. 4339/08

Angel Birriel,
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 (Kirke Bartley, J.) entered on or about December 6, 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 Bartley 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