

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 January 24, 2012.

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

-----X  
Gerald Wasik, Jr.,

Plaintiff-Respondent,

-against-

M-5763X  
Index No. 309238/08

Metropolitan Transit Authority,  
et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 29, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 24, 2012.

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

-----X  
Ellen Massey,  
Plaintiff-Respondent,

-against-

M-5840X  
Index No. 105992/07

Sterling Mets, L.P., et al.,  
Defendants-Appellants,

Service Employees International  
Union (SEIU) Local 177, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 18, 2011 (mot. seq. nos. 005, 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 23, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



Susan R.  
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 January 24, 2012.

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

-----X  
Marc Reyes,

Plaintiff-Respondent,

-against-

M-5841X  
Index No. 104110/09

Garuba Kola Bolare,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 2, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 23, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 24, 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- M-5871  
Ind. No. 5551/01

Rolando Sanchez,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about September 17, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated December 13, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 24, 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-  
M-5884  
Ind. No. 5198/09

Larry Kinley,

Defendant-Appellant.

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 27, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated December 30, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 24, 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,  
M-5885  
-against- Ind. Nos. 1771/07  
Richard Johnson, 2333/07

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 16, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated December 21, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

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

M-5886  
Index No. 5481/99

Francisco Cordero,  
Defendant-Appellant.

-----X  
An appeal having been taken from the order of the Supreme Court, New York County, rendered on or about January 19, 2010,

Now, upon reading filing the stipulation of the parties hereto, "so ordered" December 29, 2011, and due deliberation having been had thereon,

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

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 January 24, 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-

M-5887  
Index No. 2880/06

Gerald Davis,  
Defendant-Appellant.

-----X  
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 17, 2007,

Now, upon reading filing the stipulation of the parties hereto, dated December 27, 2011, and due deliberation having been had thereon,

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

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 January 24, 2012.

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

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

Respondent,  
M-5268  
-against-  
Ind. No. 5925/08

Janethza Cruz,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 21, 2010, 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, 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.

January 24, 2012

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:



Susan R.  
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 January 24, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Richard T. Andrias  
John W. Sweeny, Jr.  
Nelson S. Román, Justices.

-----X

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

-----  
Michael O.,  
Petitioner-Respondent,  
-against-

M-4872  
Docket Nos.  
V712-06/08/08A/10A  
V346-08/10b  
V19164-04/08  
IDV No. 216/06

Peggy M.,  
Respondent-Appellant.

-----X

Respondent having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about September 16, 2011, 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-994-6831, as counsel for purposes of prosecuting the appeal; (2) **directing the Clerk of said Supreme Court, Integrated Domestic Violence Part, to have transcribed within 60 days of service of a copy of this order upon said Clerk**, 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

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

January 24, 2012

Court. The Clerks of the Supreme Court and Family Court shall transfer the record(s) upon receipt of this order and; (4) directing appellant 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 immediately subpoena the record from the Supreme Court, Bronx County, Integrated Domestic Violence Court, and to serve a copy of this order upon the Clerk of said Supreme 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 January 24, 2012.

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

-----X  
Kate Ade, et al.,

Plaintiffs-Respondents,  
M-5604  
-against- Index No. 307909/09

Riverview Redevelopment Company, LP,  
et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 23, 2009,

Now, upon reading and filing the stipulation of the parties hereto dated December 7, 2011, 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 January 24, 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-

M-4482  
SCI No. 3567N/03

Eddie Reynoso, also known as Eddy  
Reynoso,

Defendant-Appellant.

-----X

Defendant-appellant having moved, through retained counsel Jorge Guttlien, Esq., for an extension of time to file a notice of appeal from the judgment of the Supreme Court, New York County, entered on or about July 28, 2010 or, in the alternative, for an order in the nature of a writ of error coram nobis for a review of his claim of ineffective assistance 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 deeming the moving papers a timely notice of appeal, and the motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 24, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Richard T. Andrias  
John W. Sweeny, Jr., Justices.

-----x  
In the Matter of the Application of  
The City of New York, et al.,  
Petitioners-Appellants,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-5229  
Index No. 401614/10

-against-

The Commissioner of Labor, et al.,  
Respondents-Respondents.

-----x  
Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 15, 2011 (mot. seq. nos. 001, 002),

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

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

ENTER:



Susan R.  
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 January 24, 2012.

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

-----X  
In the Matter of

Federico R.,  
A Person Alleged to Be a Juvenile Delinquent, M-5652  
Docket No. D-20922/11

Appellant.  
-----X

Family Court attorney for appellant, Judith Waksberg, Esq., having moved on appellant's behalf for leave to prosecute the appeal from an order of disposition of the Family Court, New York County, entered on or about July 18, 2011, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, 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 State 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) directing appellant 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

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<sup>1</sup>Service of appellant's brief upon respondent 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 January 24, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

M-4902  
Ind. No. 4462/10

Edward Gantt,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about September 16, 2011, 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.

January 24, 2012

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:



A handwritten signature in black ink, appearing to read "Susan R.", is written over a horizontal line. Below the line, the word "CLERK" is printed in capital letters.

CORRECTED ORDER - February 24, 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 January 24, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5161  
Ind. No. 7529/95

Jose Torres,  
Defendant-Appellant.

-----X  
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about November 3, 2011, denying resentencing, 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 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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 January 24, 2012.

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

-----X

In the Matter of

Jada Dorithah Solay McL.,

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

-----  
Edwin Gould Services for Children  
and Families, et al.,  
Petitioners-Respondents,

M-5033  
Docket No. B-8667/10

Crystal Dolores McL.,  
Respondent-Appellant.

-----  
Carol L. Kahn, Esq.,  
Attorney for the Child-Respondent.

-----X

Attorney for the subject child, Patricia Moreno, Esq., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about April 18, 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, New York 10007, Telephone No. 212-227-0206, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced

(M-5033)

-2-

January 24, 2012

respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



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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 January 24, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

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

Sjuqwan Anthony Zion Perry M.,  
also known as Sjuqwan M.,

A Dependent Child Under 14 Years of Age  
Pursuant to §384-b of the Social  
Services Law of the State of New York.

- - - - -  
Lutheran Social Services for  
Metropolitan New York, et al.,  
Petitioners-Respondents,

M-5433  
Docket No. B-3212/07

Charnise Antonia M.,  
Respondent-Appellant,

Steven M.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant mother Charnise Antonia M. having moved for leave to prosecute, as a poor person, the appeal from an order of Disposition, Adjudication, Findings of Fact and Conclusions of Law of the Family Court, New York County, entered on or about March 28, 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. 212-227-0206, as

January 24, 2012

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 January 24, 2012.

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

-----x

July Fernandez,  
Plaintiff-Appellant-Respondent,

-against-

M-5525

Stockbridge Homes, LLC,  
Defendant-Respondent-Appellant,

Index No. 402886/08

Stratis Builders, LLC,  
Defendant-Respondent-Appellant,

-and-

Harc Maintenance & Contracting Corp.,  
Defendant.

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Stratis Builders, LLC,  
Third-Party Plaintiff-Respondent-  
Appellant,

-against-

Index No. 85846/07

Sanita Construction Company, Inc.,  
Third-Party Defendant-Respondent-  
Appellant.

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(And a second third-party action)

-----x

An appeal and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about February 25, 2011 (mot. seq. no. 002),

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal and cross appeals,

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

(M-5525 )

-2-

January 24, 2012

It is ordered that the motion is granted to the extent of enlarging the time to perfect the aforesaid appeal and cross appeals to the June 2012 Term.

ENTER:



Susan R.

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 January 24, 2012.

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

In the Matter of the Application of  
Drive New Jersey Insurance Company,  
Petitioner-Appellant,

-against-

To Stay Arbitration sought to be  
had by Dominique Rosario,  
Respondent-Respondent,

M-5582  
Index No. 102927/11

- and -

Jason Osborne, et al.,  
Proposed Additional Respondents.

Petitioner-appellant having moved for a stay of arbitration pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 21, 2011,

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

It is ordered that the motion is denied.

ENTER :

Suzanne R. B.  
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 January 24, 2012.

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

-----X  
In the Matter of the Application of  
Marie Perrette,  
Petitioner,

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

M-5617  
Index No. 107706/10

-against-

New York City Department of Housing  
Preservation and Development,  
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 20, 2010,

And petitioner having moved for an enlargement of time to perfect the proceeding,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to the 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 January 24, 2012.

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

-----x  
Jose L. Mendoza,  
Plaintiff-Appellant,  
-against- M-5717  
Index No. 302543/09  
Jorge L. Sanchez,  
Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about March 25, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 24, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

**M-5094**

Ind. No. 1714/09

Nelson Rodriguez,  
Defendant-Appellant.

-----X  
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 17, 2009,

And defendant having moved for an order remanding the matter to the Supreme Court, New York County, for a hearing to reconstruct a November 10, 2009 oral argument and decision on the People's *Molineux* motion, 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 remanding the matter to Supreme Court, New York County, for a hearing to reconstruct the oral argument and colloquy which took place on November 10, 2009 in connection with the People's *Molineux* motion and otherwise denied.

ENTER:



Susan R.  
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 January 24, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

**M-5162**  
Ind. No. 1443/10

Derrick Miller,  
Defendant-Appellant.

-----X  
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 19, 2010,

And defendant having moved for an order remanding this matter to the Supreme Court, New York County, for summary reversal or, in the alternative, for a hearing to reconstruct the voir dire, trial and sentencing minutes,

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 remanding the matter to the Supreme Court, New York County, for a reconstruction hearing with respect to the aforesaid voir dire, trial and sentencing minutes unless the relevant minutes are produced and provided to appellant's counsel within 20 days of the date of entry herein, and is otherwise denied.

ENTER:



Susan R.  
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 January 24, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Milton Rodriguez,  
Plaintiff-Respondent,  
-against- M-5869  
Index No. 103276/09  
Camaway Realty, Inc.,  
Defendant-Appellant,  
Armando Marin and Eduardo Andueza.  
Defendants.  
-----X

Defendant-appellant having moved for a stay of 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 September 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 on condition that the appeal is perfected for 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 January 24, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Evan Tawil,  
Plaintiff-Appellant,

-against-

M-5718  
Index No. 312293/10

Vanessa Tawil,  
Defendant-Respondent.

-----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 April 6, 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, with no further enlargements to be granted.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 24, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels. Justices.

-----X

In the Matter of the Application of  
Charles Bryant,  
Petitioner-Respondent,

For an Order and Judgment Pursuant to Article 78 of the CPLR.

M-5464  
Index No. 113361/09

-against-

New York City Department of Education,  
Respondent-Appellant.

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 9, 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 :

Suzanne R. P.  
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 January 24, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of the Application of  
Jeanette Rodriguez and Francisco  
Rodriguez, Jr.,  
Petitioners-Respondents,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-5544  
Index No. 260301/10

The New York City Housing Authority,  
by John B. Rhea, as Chairman of the  
New York City Housing Authority,  
Respondents-Appellants,

Plaza off the Park, HDFC,  
Respondent-Respondent.

Respondents-appellants having moved for an enlargement of time to perfect the appeal from the order (deemed a judgment) of the Supreme Court, Bronx County, entered on or about February 23, 2011,

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

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

ENTER :

  
Susan R.  
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 January 24, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x  
Abacus Federal Savings Bank,  
Plaintiff-Appellant,  
-against- M-5456  
Index No. 108378/03  
Carol John Mee Lim, et al.,  
Defendants-Respondents.  
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court New York County, entered on or about February 3, 2011 (mot. seq. no. 008) and June 16, 2011 (mot. seq. no. 009), respectively,

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

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 8 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to on or before March 19, 2011 for the June 2012 Term.

ENTER:



Surma R. J.  
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 January 24, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Respondent,  
M-5132  
-against-  
Ind. No. 5258/09

Raynell Burgess,

Defendant-Appellant.

-----X  
Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 22, 2009, 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.

January 24, 2012

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 January 24, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-  
Shadron Rambert,  
Defendant-Appellant.

M-4920  
Ind. No. 551/09

-----X  
Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 2, 2011, 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.

January 24, 2012

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:



A handwritten signature in black ink, appearing to read "Susan R.", is written over a horizontal line. Below the line, the word "CLERK" is printed in capital letters.

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 January 24, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Helen E. Freedman  
Nelson S. Román, Justices.

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

-against-

M-5449  
Ind. No. 3292/09

Michael K. Curry,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 16, 2010 (M-5259), 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 June 30, 2010, and assigning Steven Banks, 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 Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



Susan R.  
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 January 24, 2012.

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

-----X  
Maria Leon,  
Plaintiff-Appellant,

-against-

M-5856  
Index No. 310713/08

Alcor Associates L.P. and Ashton  
Management Corp.,  
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 April 4, 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 January 24, 2012.

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

-----X  
John R. Denza, Susan Greenberg,  
Brett Macume, Andrew Parsons,  
Robert C. Rice, Christophe Denza,  
and Nadav Zeimer,  
Plaintiffs-Appellants,

-against-

M-5695  
Index No. 117673/05

Independence Plaza Associates, LLC  
and WB/Stellar IP Owner, L.L.C.,  
Defendants-Respondents.

-----X  
Plaintiffs-appellants 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 December 23, 2010 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time 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 January 24, 2012.

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

-----X  
MRC II Contracting, Inc., also known as MRC II, Inc., Plaintiff-Respondent,

-against-

M-5843  
Index No. 603904/06

Mt. Hawley Insurance Company, also known as RLI Insurance Company, Defendants,

Allen Freeman, et al.,  
Defendants-Appellants.

-----X  
Defendant-appellant Allen Freeman having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 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 January 24, 2012.

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

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

Respondent,  
M-5269  
-against- Ind. No. 3386/10

Gerald Ross,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 7, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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.

January 24, 2012

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:



Susan R.  
\_\_\_\_\_  
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 January 24, 2012.

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

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

Respondent,

-against- M-5052  
Ind. No. 1433/06

Mary Foer, also known as Kathy Foer,

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 March 30, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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



Susan R.  
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 January 24, 2012.

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

-----x  
Seth R. Rotter,

Plaintiff-Respondent,

-against-

M-5469  
Index No. 600609/06

Alan S. Ripka, et al.,

Defendants-Appellants.

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 15, 2010 (mot. seq. no. 008), and from the order and judgment (one paper) of said Court entered on or about November 17, 2010, respectively,

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

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

ENTER:



Susan R.  
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 January 24, 2012.

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

-----X  
Carmine N. Pagano,  
Plaintiff-Appellant,  
-against-  
Pasquale J. Malpeso, D.M.D., et al.,  
Defendants-Respondents.  
-----X

**M-5513**

**M-5813**

Index No. 108018/03

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 28, 2011,

And plaintiff pro se having moved for an order enlarging the time in which to perfect the aforesaid appeal (M-5513),

And defendants-respondents having cross-moved for an order dismissing the appeal and for monetary sanctions (M-5813),

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, sua sponte, plaintiff's appeal is deemed one from the judgment of said Court, entered on or about May 19, 2011, bringing up for review the order entered on or about January 28, 2011, and as such, plaintiff's motion is granted to the extent of enlarging the time to perfect the appeal to the June 2012 Term (M-5513). Defendants' cross motion to dismiss the appeal is granted unless plaintiff perfects the appeal for said June 2012 Term, and otherwise denied. Plaintiff's attention is directed to the Rules of this Court and CPLR 5528, 5529; 22 NYCRR § 600.5 with respect to perfecting the appeal by the appendix method (M-5813).

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 January 24, 2012.

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

-----x  
Mt. Hawley Insurance Company,

Plaintiff-Respondent,

-against-

M-5825  
Index No. 100812/09

Interstate Fire and Casualty Comany,

Defendant-Appellant.

-----x  
Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 2, 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 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 January 24, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-5025  
Ind. No. 3975/09

Mark F. Green,

Defendant-Appellant.

Assigned counsel for defendant-appellant having moved for dismissal of the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 12, 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 deeming the appeal withdrawn.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 24, 2012.

The People of the State of New York,

Respondent,  
M-5222  
-against- Ind. No. 6043/08

Jason Mercado,

**Defendant-Appellant.**

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 6, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

January 24, 2012

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 January 24, 2012.

The People of the State of New York,  
Respondent,

-against-

M-5230  
Ind. No. 4687/10

Frank Rivas, also known as Frank Rosario,

**Defendant-Appellant.**

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 5, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

January 24, 2012

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:



A handwritten signature in black ink, appearing to read "Susan R.", is written over a horizontal line. Below the line, the word "CLERK" is printed in capital letters.

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 January 24, 2012.

The People of the State of New York,  
Respondent,

-against-

M-5237  
Ind. No. 5960/09

Kenny Grullon, also known as  
JD Dodgers,  
Defendant-Appellant

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 1, 2010, 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.

January 24, 2012

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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:



Susan R.  
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 January 24, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Jean Walton Leser, doing business as  
The Luxury Portal,  
Plaintiff-Respondent,

-against-

M-5447  
Index No. 104005/07E

Christopher Penido,  
Defendant-Appellant.

-----x  
Appeals having been taken to this Court by defendant from orders of the Supreme Court, New York County, entered on or about September 28, 2010 (mot. seq. no. 007) and February 8, 2011, respectively,

And defendant-appellant having moved for an enlargement of time to perfect 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, sua sponte, the appeal are consolidated and defendant-appellant is permitted to prosecute the consolidated appeals upon 8 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the June 2012 Term.

ENTER:



Susan R.  
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 January 24, 2012.

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

-----X  
Malco Realty Corp.,

Plaintiff,  
-against-

Westchester Condos, LLC, et al.,

Defendants.

**M-5301**  
Index No. 307211/10

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about November 18, 2011,

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

Ordered that the motion is denied.

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 January 24, 2012.

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

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

Respondent,

-against-

M-5092  
Ind. No. 4140/03

Antonio Pearson,

Defendant-Appellant.

-----x

Assigned counsel for defendant-appellant having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about May 24, 2010, **denying resentence**,

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

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

ENTER:



Susan R.  
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 January 24, 2012.

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

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

-against- M-5333  
Ind. Nos. 4065/06  
Carlos M. Rosario, 3486/06  
Defendant-Appellant.  
-----X

An appeal having been taken from judgments of the Supreme Court, Bronx County, both rendered on or about July 17, 2009, and said appeal having been perfected,

And the People having renewed the motion for an order dismissing 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, with leave to renew upon hearing of the 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 January 24, 2012.

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

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

-against-

M-5309  
Ind. No. 4138/10

Devin Bottom, also known as  
Devon Bottom,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 3, 2011, 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.

(M-5309)

-2-

January 24, 2012

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, 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 January 24, 2012.

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

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

-against-

M-5383  
Ind. No. 7979/99

George Colon,  
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, entered on or about November 22, 2011, **denying resentence**, 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 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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:



Susan R.  
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 January 24, 2012.

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

-----x  
Margaret Thomas, Marvin Thomas and  
Christal Berkeley,

Plaintiffs-Appellants-Respondents/  
Respondents,

-against-

The City of New York and the New York  
City Police Department,  
Defendant-Respondent-Appellant,

M-5421  
Index No. 21275/04

Ahmad Aftab,  
Defendant-Respondent-Appellant,

-and-

Gunhill Car Service,  
Defendant.

-----x  
An appeal and cross appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about August 25, 2010,

And plaintiffs having moved for an enlargement of time to perfect the direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeals 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 January 24, 2012.

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

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

-against-

M-5451  
Ind. No. 5650/09

Eugene Pennix,  
Defendant-Appellant.

-----X  
An order of this Court having been entered on September 30, 2010 (M-4335), 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 25, 2010, and assigning Steven Banks, 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 Steven Banks, 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, 11<sup>th</sup> 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:



Susan R.  
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 January 24, 2012.

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

-----x

Community Counseling & Mediation Services,  
Plaintiff-Respondent-Appellant,

-against-

M-5453  
Index No. 603997/06

Richard Chera, et al.,  
Defendants,

Next Generation Chera, LLC, doing business as Next Generation, LLC,  
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 July 6, 2011,

And defendant-appellant-respondent having moved for a stay of a referee hearing on damages pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the direct appeal is perfected on or before February 21, 2012 for the May 2012 Term. The parties' attention is directed to 22 NYCRR § 600.11(d) regarding the perfection of the cross appeals.

ENTER:



Surma R. J.  
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 January 24, 2012.

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

-----X  
William Rivera, III,

Plaintiff-Respondent,

-against-

M-5402  
Index No. 111181/09

Estate of Mary Becker, et al.,

Defendants-Appellants.

-----X

Defendants-appellants 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 January 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 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 January 24, 2012.

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

-----x  
John Mescall and Elizabeth Mescall,  
Plaintiffs-Appellants,

-against-

M-5406  
Index No. 109157/04

Structure-Tone, Inc.,  
Defendant-Respondent.

[And a third-party action.]

-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 28, 2011 (mot. seq. no. 006),

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

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 January 24, 2012.

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

-----x  
David J. Diamond, as Liquidating Trustee of the Bricolage Capital LLC Liquidating Trust,

Plaintiff-Respondent,

M-5475  
Index No. 600573/09

-against-

Ernst & Young, LLP,  
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 July 20, 2011, for failure to timely perfect,

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

It is ordered that the motion is granted unless the appeal is perfected on or before March 19, 2012 for 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 January 24, 2012.

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

-----X  
Lijo Panghat, M.D.,  
Plaintiff,  
-against-  
**M-5608**  
Index No. 102983/10

New York State Division of Human Rights,

Defendant.

An order of this Court having been entered on November 3, 2011 (M-3243/M-4040), inter alia, dismissing plaintiff's appeal taken from the order of the Supreme Court, New York County, entered on or about July 14, 2010,

And plaintiff having moved for leave to appeal to the Court of Appeals from the aforesaid order of this Court,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

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

Hon. Leland G. DeGrasse  
Justice of the Appellate Division  
-----X  
In the Matter of

Giannes F.,

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

M-5764

Docket No. NA15123/11

Administration for Children's  
Services,  
Petitioner-Respondent,

Vilma C.,  
Respondent-Appellant.

-----X

Respondent-appellant mother having moved for a stay of  
the order of the Family Court, Bronx County, entered on or about  
October 14, 2011, pending hearing and determination of the appeal  
taken therefrom,

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

It is ordered that the motion is denied.

*LD*

Dated: New York, New York  
January 20, 2012

-----  
Hon. Leland G. DeGrasse  
Associate Justice

Entered: January 24, 2012