

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 March 15, 2012.

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

-----X
Derfner Management, Inc.,
Plaintiff-Respondent,

-against-

M-772
Index No. 650060/11

Lenhill Realty Corp., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 24, 2012,

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

It is ordered that the appeal, previously perfected for the April 2012 Term, is withdrawn in accordance with the aforesaid stipulation.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 March 15, 2012.

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

-----X
John C. Raniolo and Denise Raniolo,
Plaintiffs-Respondents-Appellants,

-against-

M-5049
Index No. 20059/06

The City of New York,
Defendant,

Educational Construction Fund, et al.,
Defendants-Respondents,

Nouveau Elevator Industries, Inc.,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, on or about October 18, 2010,

Now, upon reading and filing the stipulations of the parties hereto, filed November 3, 2011 and December 15, 2011, respectively, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the June 2011 Term, are withdrawn in accordance with the aforesaid stipulations.

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 March 15, 2012.

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

-----X
Diane Fisher,
Plaintiff-Respondent,

-against-

M-5425
Index No. 104149/07

Teresita Mascardo,
Defendant-Appellant.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about February 9, 2011, and from the judgment of said Court entered on or about February 24, 2011, respectively, and the appeal from said judgment having been perfected,

And defendant-appellant having moved for an order withdrawing the appeal taken from the order of said Supreme Court entered on or about February 9, 2011,

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

Ordered that the motion is granted and the appeal taken from the order entered on February 9, 2011 is withdrawn. The appeal from the judgment entered on or about February 24, 2011, remains extant.

ENTER:


CLERK

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 March 15, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-402
Ind. No. 1167/92

David Daniel,
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 (Ruth Pickholtz, J.) entered on or about December 19, 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 Pickholtz as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 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-880

Ind. No. 1826/08

Wendy Gabriel, also known as Wendy C.
Gabriel,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 21, 2010 (M-4271), assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 20, 2009,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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 March 15, 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-881
Ind. No. 3/10

Jose Luis Valencia Hernandez, also
known as Valencia Hernandez,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 14, 2011 (M-2315), assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about November 17, 2010,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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 March 15, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-361
Ind. No. 4868/09

Luis Natal,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about January 21, 2011, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 9, 2012 for the September 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 March 15, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Gita Rott,
Plaintiff-Appellant-Respondent,

-against-

M-314
Index No. 110168/05

Negev, LLC, et al.,
Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about December 29, 2010,

And plaintiff having moved for an enlargement of time in which to perfect his appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to on or before July 9, 2012 for the September 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

Naiomi Motilall,
Plaintiff-Appellant,

-against-

Christopher Dawson,
Defendant-Respondent.

M-330
Index No. 305931/09

-----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 February 22, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 March 15, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

Laura Saavedra,
Plaintiff-Appellant,

-against-

Jasmine S. Francis,
Defendant-Respondent.

-----X

M-284

M-488

Index No. 18915/06

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 24, 2011,

And plaintiff-appellant having moved for an order enlarging the time in which to perfect the aforesaid appeal (M-284),

And defendant-respondent having cross-moved for an order dismissing plaintiff's appeal (M-488),

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 plaintiff's motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2012 Term. Defendant-respondent's cross motion to dismiss the appeal is granted unless plaintiff perfects said appeal for the September 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
Kowanna Groom,

Plaintiff-Respondent,

M-359

M-421

-against-

Index No. 300788/08

Sagamore Realty, LLC, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 16, 2011,

And plaintiff-respondent having moved for an order dismissing the aforesaid appeal (M-359),

And defendants-appellants having cross-moved for an order deeming the appeal to be from the judgment of said Supreme Court, entered on or about October 26, 2011 (M-421),

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 plaintiff-respondent's motion is granted and the appeal is dismissed (M-359). Defendants-appellants' cross motion is denied (M-421).

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 March 15, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse, Justices.

X

The People of the State of New York,

Respondent,

against

M-318

Ind. No. 1073/07

Ronald Godbold,

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 July 30, 2009, 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 the motion, and due deliberation having been had thereon,

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

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 March 15, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse. Justices.

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

Melissa H., M-278
Petitioner-Respondent, Docket No. O-26217/11

-against-

Shameer S.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of protection of the Family Court, Bronx County, entered on or about November 1, 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 denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that appellant has no funds or assets with which to prosecute appeal, including proof of service thereof on all interested parties.

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 March 15, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

Anabel Maria P., M-232
Petitioner-Respondent, Docket No. O-14485/11

-against-

Derek Jacob C.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the Order of Protection of the Family Court, Bronx County, entered on or about October 6, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse, Justices.

X

Accounting of Lawrence Kalik and Chase Manhattan Bank As Co Trustees of

Louis Wagman Trust U/A Dated August 3, 1977 and as Amended in 1984 F/B/O Loretta Wagman.

M 60
Surrogate's Court
File No. 1121/1986

Accounting of Carl Wagman as Co Trustee of Continuing Trust of Louis Wagman Trust U/A dated August 3, 1977 and as Amended in 1984 F/B/O Loretta Wagman.

Supreme Court of the State of New York, County of New York

Loretta Wagman,
Plaintiff Appellant,

against

Supreme Court
Index No. 107856/98
Case No. 19294

Lawrence Kalik, as Executor, Trustee, and individually, et al.,
Defendants Respondents.

X

Carl Wagman having moved for a further enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about January 2, 2009,

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 March 15, 2012.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Adrian Shipholding Inc., et al.,

Petitioners-Appellants,

-against-

M-393
Index No. 600885/10

Lawndale Group S.A.,

Defendant-Respondent.
-----X

Petitioners-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 June 25, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before July 9, 2012 for the September 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2012.

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

-----X
Carlos Pacheco,
Plaintiff-Respondent,

-against-

M-477
Index No. 16368/07

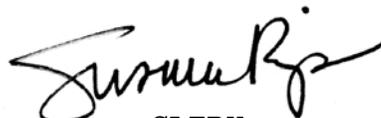
The City of New York, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about April 8, 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 March 15, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Karla Moskowitz, Justices.

-----x

Irene Mulcahy,
Petitioner-Appellant,

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

-against-

M-657

Index No. 108422/10

New York City Department of Education,
Respondent-Respondent.

-----x

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

And petitioner-appellant having moved for a further enlargement of time to perfect the aforesaid appeal until after a decision is rendered in the matter entitled *Kahn v New York City Department of Education* [Index No. 112312/08], currently pending before the Court of Appeals, 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 enlarging the time in which to perfect the aforesaid appeal to the September 2012 Term, with leave to seek further enlargements, if necessary, and 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 March 15, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

Vandale Limited Partnership,
Plaintiff-Respondent,

-against-

M-648
Index No. 16108/07

Liberty Chevrolet Inc., doing business
as Bronx Honda, doing business as
Bronx Mazda,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant-appellant from the order of the Supreme Court, Bronx County, entered on or about August 26, 2011,

And retained counsel, Michael A. Calano, Esq., having moved for an order relieving him as appellant's counsel, and for a stay of all proceedings pending hearing and determination of said 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 adjourning the appeal to the September 2012 Term with leave to renew the portion of the motion seeking to withdraw as counsel upon submission of affirmation, submitted for *in camera* review within 30 days of the date hereof, is so advised.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2012.

Present Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

x

Aurelius Opportunities Fund IV, Ltd.,
Plaintiff Respondent,

against

Action No. 1
M 764
Index No. 652146/10

Vitro, S.A.B. De C.V., et al.,
Defendants Appellants.

Elliot International Shipping L.P.,
Plaintiff Respondent,

against

Action No. 2
M 761
Index No. 652223/10

Vitro, S.A.B. De C.V., et al.,
Defendants Appellants.

x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 19, 2011 (Action No. 1; Index No. 652146/10); and an appeal having been taken from the order of said Court entered on or about December 19, 2011 (Action No. 2; Index No. 652223/10), respectively, and said appeals having been perfected,

And defendants appellants having moved by separate motions for preference in hearing of the aforesaid appeals,

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, and the Clerk is directed to calendar the appeals for hearing together on the same day during the first week of 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 March 15, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Leland G. Degrasse
Nelson S. Román, Justices.

-----X
Alessandro Bandini,
Plaintiff-Appellant,

-against-

Cara Bandini,
Defendant-Respondent.

M-556
Index No. 350086/11

-----X

Plaintiff-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about January 4, 2012, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 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-379

Ind. No. 6470/04

Anthony Fontanetta,
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 and bail with respect to the aforesaid judgment of the Supreme Court, New York County, rendered on or about September 16, 2011, pending hearing and determination of the aforesaid appeal,

And defendant having moved for an order continuing the aforesaid interim stay of execution of sentence and bail pending hearing and determination of the aforesaid appeal, on the same terms and conditions,

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 and bail 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, and on condition the aforesaid appeal is perfected for the September 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2012.

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

-----X

In the Matter of

Jacob H. and Justlii H.,

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

M-700
M-921
Docket Nos. N42599/10
N42601/10

- - - - -
Commissioner of Social Services of
the City of New York,
Petitioner-Appellant,

Logann K.,
Respondent-Respondent.

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

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about August 16, 2011, and said appeal having been perfected,

And Steven Banks, Esq., attorney for the subject children, having moved on their behalf for an order adjourning the aforesaid appeal, continuing the stay issued by the aforesaid Family Court order, and continuing the remand of subject children to the custody of the Commissioner of the Administration for Children's Services (M-700),

And respondent-respondent mother having cross-moved for an order vacating the aforesaid stay issued by the order of the Family Court (M-921),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties dated February 27, 2012, and due deliberation having been had thereon, it is

Ordered that the motion and cross motion are deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2012.

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

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

Respondent,

-against-

M-321
Ind. No. 3806/10

Brian Hunt,

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 27, 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.

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 March 15, 2012.

PRESENT Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Sheila Abdus Salaam
Sallie Manzanet Daniels, Justices.

X

The People of the State of New York,
Respondent,

against

M 260
Ind. No. 3425/10

Richard Rivera,
Defendant Appellant.

X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 17, 2011, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of 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 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.

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 March 15, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-430
Ind. No. 6455/09

Nathalie Ambroise,
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 January 6, 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.

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 March 15, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-697
Ind. No. 5108/08

Elvis Nuñez,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 30, 2010, 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 premature, the appeal having not been perfected by assigned counsel of appellant's behalf.

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 March 15, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against-

M-699
Ind. No. 4750/08

Ronald Messam, also known as Ronald
Messan,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about July 28, 2010, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before for the July 9, 2012 for the September 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 March 15, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Marisol Hyland,
Plaintiff-Respondent,

-against-

M-315
Index No. 301671/09

Mohammed S. Uddin,
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 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 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 March 15, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
David Glassberg,
Plaintiff-Appellant,

-against-

M-263
Index No. 100975/09

Filco Carting Corp. and Dominick A.
Scoppetta,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about April 15, 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 March 15, 2012.

Present - Hon. Angela M. Mazzarelli, Presiding Justice,
Richard T. Andrias
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x

Crossroads ABL, LLC, et al.,
Plaintiffs-Respondents,

-against-

Canaras Capital Management, LLC,
et al.,
Defendants,

M-62
Index No. 651268/11

-and-

Quad-C Funding, LLC,
Defendant-Appellant.

- - - - -

[And other actions]

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 3, 2011 (mot. seq. no. 002),

And plaintiffs-respondents having moved for an expedited briefing schedule,

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

It is ordered that the motion is granted to the extent of directing the defendant-appellant to perfect the appeal on or before July 9, 2012 for the September 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

Barbara Hubshman, individually and
derivatively on behalf of 1010 Tenants
Corp.,

Plaintiff-Appellant,

-against-

1010 Tenants Corp., et al.,
Defendants-Respondents.

-----X

M-396

M-658

Index No. 114697/10

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 25, 2011,

And defendants-respondents having moved for an order dismissing the aforesaid appeal (M-396),

And plaintiff-appellant having cross-moved for an order enlarging the time in which to perfect the aforesaid appeal (M-658),

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

Ordered that defendants-respondents' motion is granted to the extent of dismissing the appeal unless it is perfected for the September 2012 Term. Plaintiff-appellant's cross motion is granted to the extent of enlarging the time in which to perfect the appeal to said 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 March 15, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
James M. Catterson
Helen E. Freedman, Justices.

-----X
The People of the State of New York
ex rel. Jose Ramos,

Petitioner,

-against-

M-855

Warden, etc.,

Respondent.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from 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 said application for the writ is hereby denied and the petition is dismissed (CPLR 7003[b]).

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 March 15, 2012.

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

-----x

Segundo Jesus Tenemaza,
Plaintiff-Respondent,

-against-

Knickerbocker Construction II LLC,
et al.,
Defendants-Appellants.

- - - - -

Knickerbocker Construction II, LLC,
et al.,
Third-Party Plaintiffs-Appellants,

M-118
M-775
M-778
Index No. 114809/08

-against-

MC&O Contracting, Inc.,
Third-Party Defendant-Appellant,

-and-

MC&O Masonry, Inc., et al.,
Third-Party Defendants.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 27, 2011 (mot. seq. nos. 001, 002), and said appeals having been perfected upon a joint record,

And plaintiff-respondent having moved to dismiss the aforesaid appeals or to compel defendants-appellants to correct the record on appeal to include certain motion papers from the aforesaid July 27, 2011 decision and for an extension of time in which to respond to the aforesaid appeals (M-118),

And defendant/third-party plaintiff-appellant Knickerbocker Construction II, LLC and third-party defendant-appellant MC&O Contracting, Inc. having cross moved, by separate motions, to withdraw and re-file the appeal from the aforesaid order entered July 27, 2011 (M-775/M-778),

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

It is ordered that the motion and cross-motions are granted to the extent of directing defendant/third-party plaintiff-appellant Knickerbocker Construction II, LLC and third-party defendant-appellant MC&O Contracting, Inc. to file forthwith a supplemental joint record on appeal to include the material contained in Exhibit C to the affirmation of Ian Asch, Esq. submitted in support of plaintiffs-respondent's motion (M-118), and adjourning the appeal to the June 2012 Term and otherwise denied (M-118/M-775/M-778).

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 March 15, 2012.

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

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

- - - - -
Glenda C., **M-246**
Petitioner-Respondent, Docket No. F43837-10/10A

-against-

Wayne C., also known as Wayne I. C.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about July 14, 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 denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that appellant has no funds or assets with which to prosecute 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 March 15, 2012.

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

-----X
In the Matter of Hipolita Torres,
Petitioner-Appellant,

M-309
Index No. 402688/10

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

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about March 4, 2011,

And respondent-respondent having moved 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 submission of proof of service of the motion papers on petitioner at her current address, or submission of an affidavit attesting to respondent's efforts to locate petitioner and effect such service.

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 March 15, 2012.

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

-----X

In the Matter of the Application of
the State of New York,
Petitioner-Respondent,

M-703

For Civil Management Pursuant to
Article 10 of the Mental Hygiene Law,

Index No. 30051/09

-against-

John S.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 4, 2011,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of 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 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 General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this

Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26th Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

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 March 15, 2012.

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

X

The People of the State of New York,
Respondent,

against

M-25

Ind. No. 3075/80

David Price,
Defendant Appellant.

X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 22, 1981,

And defendant appellant having moved for an order remanding this matter to Supreme Court, New York County, to reconstruct certain minutes of proceedings below, including the voir dire and sentence, and for an enlargement of time in which to perfect the appeal,

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

Ordered that the motion is granted to the extent of remanding the matter to Supreme Court, New York County, for a reconstruction hearing of the aforesaid proceedings. Defendant's counsel is directed to serve a copy of this order upon the Clerk of said Court and its Chief Court Reporter within 10 days from the date of entry hereof, and the Clerk is directed to have the minutes of the proceedings transcribed and delivered to appellant's counsel for inclusion in the record within 30 days of the conclusion of said reconstruction hearing. The time in which to perfect the appeal is enlarged to 120 days from the date of receipt of the reconstruction court's findings.

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 March 15, 2012.

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

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

-against-

M-236
Ind. No. 2134/86

Ramon Perez,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 5, 2011 (M-4918), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about April 9, 2008, **denying resentence**, under Indictment No. 2134/86, and assigning Robert S. Dean, Esq., as counsel therefor,

And defendant-appellant having moved for an enlargement of time in which to file an untimely notice of appeal from the order of the Supreme Court, New York County, entered on or about May 5, 2010, **denying resentence**, and to amend the order of assignment to include order of Supreme Court entered on or about May 5, 2010,

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

It is ordered that said motion is granted to the extent of deeming the notice of appeal from the order entered May 5, 2010 to be timely filed amending the aforesaid order of assignment (M-4918) to include both orders of said Court entered on or about April 8, 2008 and May 5, 2010, **denying resentence**, and extending the poor person relief previously granted to cover same.

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 March 15, 2012.

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

-----X
Wojceich Rzymiski,
Plaintiff-Respondent,

-against-

M-586
Index No. 104591/07

Metropolitan Tower Life Insurance
Company and Independent Temperature
Control Services, Inc.,
Defendants-Appellants.

-----X
Independent Temperature Control
Services, Inc.,
Third-Party Plaintiff,

-against-

Third-Party
Index No. 590892/09

Phoenix Mechanical Piping, LLC,
Third-Party Defendant.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 29, 2011, and said appeal having been perfected,

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

It is ordered that the motion is 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 March 15, 2012.

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

-----X
Aaron Richard Golub,

Plaintiff-Appellant,

M-5679

M-324

-against-

Index No. 106902/09

Tanenbaum-Harber Co., Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved [M-5679] for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 27, 2011 (Appeal No. 5862),

And defendant-respondent having cross-moved [M-324] for the imposition of costs, fees and sanctions upon plaintiff-appellant,

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 plaintiff-appellant's motion [M-5679] is denied. Defendant-respondent's motion [M-324] is granted to the extent of directing plaintiff to expeditiously pay to defendant costs in the amount of \$100.00, and 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 March 15, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-458
Ind. No. 5644/10

Eduardo Cajigas,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 28, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Arnold Levine, Esq., as well as 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 March 15, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-476
Ind. No. 3540/10

Edward Gomez, also known as
Edward Edwin Gomez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 28, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Telesforo Del Valle, Esq., as well as 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 March 15, 2012.

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

-----X
Jose Sanchez,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-344**
of the Civil Practice law and Rules, Index No. 401350/11

-against-

New York City Housing Authority,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 31, 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.

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 March 15, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet Daniels, Justices.

X

The People of the State of New York,
Respondent,

against

M-611

Ind. No. 1360/09

Kakhaber Gogoladze,
Defendant Appellant.

X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 15, 2010,

And assigned counsel, Robert S. Dean, Esq., having moved on defendant's behalf for a hearing to reconstruct the sentencing proceedings held in Supreme Court, New York County, on March 15, 2011, and for an enlargement of time in which to perfect the appeal,

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

Ordered that the motion is granted to the extent of remanding the matter to Supreme Court, New York County, for a reconstruction hearing of the aforesaid proceedings. Defendant's counsel is directed to serve a copy of this order upon the Clerk of said Court and its Chief Court Reporter within 10 days from the date of entry hereof, and the Clerk is directed to have the minutes of the proceedings transcribed and delivered to appellant's counsel for inclusion in the record within 30 days of the conclusion of said reconstruction hearing. If said minutes can not be located, the Chief Court Reporter is directed to submit an affirmation thereto. Defendant appellant's time in which to perfect the appeal is enlarged 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 March 15, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Sterling National Bank, as Assignee
of Norvergence Inc.,
Plaintiff-Appellant,

-against-

M-456
Index No. 108920/10

Mid-South Tooling, Inc. and
Terry Jones, Individually,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 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 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 March 15, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Martine Marcellus,
Plaintiff-Appellant,

-against-

M-581
Index No. 301296/08

James M. Forvarp, 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 February 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 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 March 15, 2012.

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

-----X
Nancy Moynihan,
Petitioner-Respondent,

-against-

M-395
Index No. 108757/10

New York City Health and Hospitals
Corporation and The City of New York,
Respondents-Appellants.

-----X

An order of this Court having been entered on September 27, 2011 (M-3608/M-3748) dismissing the appeal taken from the order of the Supreme Court, New York County, entered on or about October 5, 2010, unless perfected for the February 2012 Term,

And an order of this Court having been entered, ex parte, on January 23, 2012 dismissing the aforesaid appeal, for failure to timely perfect,

And respondents-appellants having moved to vacate the aforesaid ex parte order of this Court entered on January 23, 2012, to reinstate the aforesaid appeal and to enlarge the time in which to perfect same,

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 vacating the ex parte order of this Court entered on January 23, 2012, reinstating the aforesaid appeal and enlarging the time in which to perfect the aforesaid appeal to the September 2012 Term.

ENTER:


CLERK

PM ORDERS
ENTERED ON
MARCH 15, 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 March 15, 2012.

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

-----X

John T. Gunn, et al.,
Plaintiffs-Respondents,

-against-

Are-East River Science Park, LLC,
Turner Construction Company,
Defendants-Respondents,

M-867

M-868

Index No. 110465/09

Site Safety, LLC,
Defendant-Appellant.

-----X

Site Safety LLC,
Third-Party Plaintiff-Appellant,

-against-

Third-Party

Index No. 590175/10

Falcon Steel Company, Inc.,
Third-Party Defendant.

Helmark Steel, Inc.,
Third-Party Defendant-Appellant.

(And another action)

-----X

An appeal having been taken by third-party defendant-appellant Helmark Steel, Inc., from the order of the Supreme Court, New York County, entered on or about October 24, 2011 (mot. seq. no. 003) and said appeal having been perfected,

And an appeal having been taken by defendant third-party plaintiff Site Safety, LLC from the order of same Court and Justice entered on or about October 24, 2011 (mot. seq. no. 005), and said appeal having been perfected,

And third-party defendant Helmark Steel, Inc., having moved for an order staying the trial in the above-entitled action, pending hearing and determination of its appeal(M-867),

And defendant-appellant-respondent Site Safety LLC having also moved for the same relief (M-868),

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

It is ordered that the motions are denied.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK