

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 September 27, 2012.

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

-----X
Sharon L. Ross, as Administratrix of
the Property, Goods and Chattels of
the Estate of Robert F. Ross, Deceased,
et al.,

Plaintiffs-Respondents,

M-3639X

Index No. 108017/10

-and-

George Saravanos, et al.,
Defendants,

Goldfarb, Abrandt, Salzman & Kutzmin,
LLP,

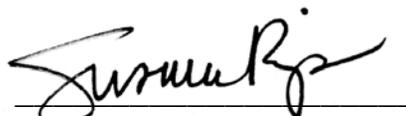
Defendant-Appellant.

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 7, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

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

-----X

Val-Ford Realty, Inc.,

Plaintiff-Respondent,

M-3655X

Index No. 300452/11

-against-

Houcine Rached,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 25, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 7, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

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

-----X
Apex Media Sales LLC, a Delaware
limited liability company,

Plaintiff-Appellant,

-against-

MyFamily TV, LLC, etc., et al.,

Defendants-Respondents.
-----X

M-3715X
Index No. 652296/11

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 6, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 9, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

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

-----X
JPMorgan Chase Bank, N.A., etc.,
Plaintiff-Respondent,

-against-

M-3717X

Index No. 380844/07

Paul J. O'Neill, Guardian Ad Litem
for defendant Piree Amerali,
Defendant-Appellant,

AMK Capital Corp., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 18, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 9, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Daniel Reyes,
Petitioner-Respondent,

-against-

M-3005
Index No. 103890/11

New York City Transit Authority,
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 23, 2012,

And petitioner-respondent having moved for preference in directing respondent-appellant to perfect their appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and the correspondence from Jones Jones LLC (Jacqueline R. Mancino, of counsel), dated July 27, 2012, it is,

It is ordered that the motion is deemed withdrawn and the appeal is withdrawn, the underlying action having been settled.

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 September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

M-3390

-against-

Ind. No. 2537/95

Michael Nieves,
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 July 9, 2012, **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.

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 September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3411

Ind. No. 6052/10

Eugene Cohen,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 17, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3412
Ind. No. 912/11

James T. Landeau, also known as
James T. Landeau, III,
Defendant-Appellant.

-----X

Defendant having renewed his 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 January 24, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 27, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices

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

-against- **M-3430**
Ind. No. 2402/03

Eugene Herbert,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 25, 2012, 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, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3518
Ind. No. 128/11

Samuel R. Brimmage, also known as
Samuel Brimmage,
Defendant-Appellant.

-----X

Defendant having renewed his 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 March 27, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3428
Ind. No. 3098/11

Michael German,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 8, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

M-3289

Ind. No. 4730/09

-against-

Michael Sostre,
Defendant-Appellant.

-----X

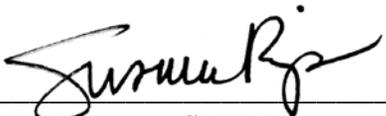
An order of this Court having been entered on August 11, 2011 (M-2636) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 19, 2011,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

Present : Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Leon Dematteis Construction Corporation,
et al.,
Plaintiffs-Respondents,

M-3400
Index No. 651337/10

-against-

Vigilant Insurance Company,
Defendant-Appellant.

-----X

Defendant-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about November 23, 2011 and on or about June 19, 2012, 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 permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering said consolidated appeals.

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 September 27, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3634
Ind. No. 4596/06

Lee Carr,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2009, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 3, 2012 for the February 2013 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 September 27, 2012.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Anastacio Martinez,
Plaintiff-Respondent,

-against-

M-3424
Index No. 14959/07

William Reiner, et al.,
Defendants-Respondents,

Hunts Point Live Poultry and
Slaughterhouse Inc.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 26, 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 on or before November 5, 2012 for the January 2013 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 September 27, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
In the Matter of the Petition of
Leisa Larman Reznick as Administrator
of the Estate of Charles Saltz,
Deceased, Surrogate's Court
M-3336
File No. 4525C/07
To compel delivery of property withheld.
-----X

Petitioner-appellant Leisa Larman Reznick having moved for an enlargement of time to perfect the appeal from an order of the Surrogate's Court, New York County, entered on or about October 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 to perfect the appeal to on or before November 5, 2012 for the January 2013 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 September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Solco Plumbing Supply, Inc.,
Plaintiff-Respondent,

-against-

M-3529
Index No. 106217/07

Scott Yaffee, Esq., etc., et al.,
Defendants,

Highlands Insurance Co.,
Defendant-Appellant,

Leila Rubin, et al.,
Cross-Claim Defendants.

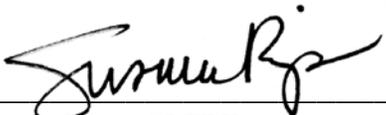
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 22, 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 January 2013 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 September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Momodou J. Bayo, Administrator of the Estate for Yusupha Tunkara, deceased, and Haja Sumareh Tunkara,

Plaintiffs-Appellants,

M-3610

Index No. 304045/08

-against-

626 Sutter Avenue Associates, LLC,
et al.,

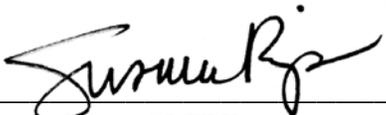
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeals from orders of the Supreme Court, Bronx County, entered on or about September 26, 2011 and June 1, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the January 2013 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 September 27, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Ellen Brooks,

Plaintiff-Respondent,

-against-

M-3648

Index No. 116753/09

Sumerset Surgical Associates, et al.,

Defendants-Appellants.

-----X

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, 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 January 2013 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 September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Vernetta Rivers,

Plaintiff-Appellant,

-against-

M-3731

Index No. 303803/10

Villford Realty Corporation, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 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 granted to the extent of enlarging the time in which to perfect the appeal to the January 2013 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 September 27, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Malco Realty Corp.,
Plaintiff-Appellant,

-against-

M-3884
Index No. 307211/10

Westchester Condos, LLC,
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, Bronx County, entered on or about November 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 January 2013 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 September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Richard Djeddah,
Plaintiff,

Rachel Djeddah,
Plaintiff-Appellant,

M-3670
Index No. 111319/95

-against-

Daniel Turk Williams, M.D.,
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 June 24, 2011 (mot. seq. no. 009),

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 November 5, 2012 for the January 2013 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that defendant-respondent serve a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

9 Bleecker LLC,

Plaintiff-Appellant,

-against-

M-3375

Index No. 102710/09

Yippie Holdings, LLC, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 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 granted to the extent of enlarging the time in which to perfect the appeal to the January 2013 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 September 27, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Tatyana Oxman,
Plaintiff-Appellant,

-against-

M-3187
Index No. 106110/07

Mountain Lake Camp Resort Inc.,
et al.,
Defendants-Respondents.

(And a third-party action)

-----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 May 6, 2011 (mot. seq. nos. 006-008),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2013 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 September 27, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Lenin Garcia,

Plaintiff-Respondent-Appellant,

-against-

M-3486

Index No. 308573/08

Genue Estates, Inc., et al.,

Defendants-Appellants-Respondents,

Lew Bodak,

Defendant-Respondent.

-----x

An appeal having been taken by plaintiff, Lenin Garcia, from the order of the Supreme Court, Bronx County, entered on or about October 13, 2011; and a cross appeal having been taken by defendants, Genue Estates, Inc. and Role Realty Management Corp., from the same order of said Court,

And defendants-respondents-appellants, Genue Estates, Inc. and Role Realty Management Corp., having moved for an enlargement of time to perfect their cross 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 deeming the defendants-respondents-appellants to be the direct appellants, and enlarging the time to perfect the appeal as so designated to on or before December 3, 2012 for the February January 2013 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 September 27, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Sydney T. Campbell,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3016
Index No. 401245/11

-against-

NYC Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant pro se having moved for a stay of eviction pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 26, 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 the appeal is perfected on or before November 5, 2012 for the January 2013 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 September 27, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
International Plaza Associates, L.P.,

Plaintiff-Respondent,

-against-

M-3504
Index No. 110711/06

Michael A. Lacher, Law Office of
Michael A. Lacher, LLP, doing business
as Lacher & Lovell-Taylor,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 12, 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 February 2013 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 September 27, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
In the Matter of the Application of
Sanayi Beckles,
Petitioner,

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

M-3730
M-4480
Index No. 401011/11

-against-

Rafael E. Cestero, Commissioner,
New York City Department of Housing
Preservation and Development,
Respondent.

- - - - -
Riverside Park Community, LLC and
Riverside Park Community II, LLC,
Non-Party Movant/Landlord.

-----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 July 27, 2011,

And non-party movant/landlord having moved for vacatur of all stays as against them or, in the alternative, for an order directing petitioner to pay all past due use and occupancy as well as use and occupancy on a pendente lite basis, and for related relief (M-3730),

And petitioner having moved for a stay of all eviction proceedings in Civil Court pending hearing and determination of this proceeding, and for other relief (M-4480),

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

It is ordered that the motion (M-4480) is granted to the extent of continuing the interim relief granted by an order of a Justice of this Court dated October 11, 2011 on condition that petitioner, within 30 days of the date of entry hereof, remit to non-party movant-landlord the full portion of petitioner's share of outstanding use and occupancy apart from the disputed Section 8 benefits, and remains current on same prospectively. The motion (M-3730) to vacate all stays is denied, with leave to renew should petitioner fail to comply with the aforesaid conditions.

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 September 27, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Camofi Master LDC, etc., et al.,

Plaintiffs-Respondents,

-against-

M-3452
Index No. 651801/11

The Comvest Group, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about June 19, 2012, pending hearing and determination of the appeal taken therefrom, and for other relief, 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 in the County of New York on September 27, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Tribeca Lending Corp.,
Plaintiff-Respondent,

-against-

M-2637
Index No. 105275/07

Gregory M. Bartlett, formerly known
as Gregory Hill,
Defendant-Appellant,

NYS Department of Taxation & Finance,
et al.,
Defendants.

-----X

Defendant-appellant having moved for a stay pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 13, 2011,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated June 4, 2012, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In the Matter of a Proceeding for
Support Under Article 4 and 5 of
the Family Court Act.

- - - - -
Commissioner of Social Services
on behalf of Cristene B.,
Petitioner-Respondent,

M-3758
Docket Nos. F-30482/10
P-30482/10

-against-

Abraham N. G.,
Respondent-Appellant.

- - - - -
Andrew Baer, Esq.,
Attorney for the Child.

-----X
Trial counsel for the subject child 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, New York County, entered on or about March 27, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-318, 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 respondent-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the January 2013 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 September 27, 2012.

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

-----X
Martin Murphy,

Plaintiff-Respondent,

-against-

317-319 Second Realty LLC,

Defendant-Appellant.
-----X

M-2857

Index No. 108588/11

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 3, 2012 (Appeal No. 7227),

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 September 27, 2012.

Present : Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Soldiers', Sailors', Marines'
and Airmen's Club, Inc.,
Plaintiff-Appellant,

-against-

M-2905

Index Nos. 600813/07
601554/09
590181/09

The Carlton Regency Corp.,
Defendant.

The Carlton Regency Corp.,
Third-Party Plaintiff,

-against-

James Conforti, III, et al.,
Third-Party Defendants and
Counterclaim Plaintiffs-Respondents,

-against-

The Commingled Pension Trust
Fund (Mortgage Private Placement)
of JP Morgan Chase Bank, N.A.,
Counterclaim-Defendant.

[And a Fourth-Party Action]

- - - - -
 Soldiers', Sailors', Marines'
 and Airmen's Club, Inc.,
 Plaintiff,

-against-

The Carlton Regency Corp.,
 Defendant/Third-Party Plaintiff-Respondent,

-against-

James Conforti, III, et al.,
 Third-Party Defendants and
 Counterclaim Plaintiffs-Respondents,

-against-

The Commingled Pension Trust
 Fund (Mortgage Private Placement)
 of JP Morgan Chase Bank, N.A.,
 Counterclaim-Defendant.

- - - - -
 James Conforti, III, et al.,
 Fourth-Party Plaintiffs-Appellants,

-against-

Chicago Title Insurance Company, et al.,
 Fourth-Party Defendants-Respondents,

Robert C. Wilson, et al.,
 Fourth-Party Defendants.

-----X

Plaintiff-appellant having moved for reargument of or,
 in the alternative, for leave to appeal to the Court of Appeals
 from the decision and order of this Court entered on May 22, 2012
 (Appeal Nos. 7731 - 7732),

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 September 27, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----x
US Onocology, Inc.,

Plaintiff-Appellant,

-against-

Wilmington Trust FSB,

Defendant-Respondent.
-----x

M-4010
Index No. 650461/11

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 23, 2012, and said appeal having been perfected,

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

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

It is ordered that the motion is denied, as unnecessary, the appeal having been calendared for hearing on October 3, 2012.

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 September 27, 2012.

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

-----x
In the Matter of the Application of
Ronald J. Ranftle,
Petitioner-Appellant,

A Person Interested in the Estate of SURROGATE'S COURT
M-3967
H. Kenneth Ranftle, also known as File No. 2008-4585
Howard Kenneth Ranftle, Jr., also
known as Kenneth Ranftle,
Deceased.

- - - - -
J. Craig Leiby,
Respondent-Respondent.

-----x
Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about September 14, 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 January 2013 Term, with no further enlargements to be granted.

ENTER:


CLERK

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals and cross appeal to the February 2013 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 September 27, 2012.

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

-----X
Emon Chairoon, as Administratrix
of the Estate of Somjit Thippichai,
Deceased, and Emon Chairoon,
Individually,

Plaintiff-Appellant,

M-3793
Index No. 18209/06

-against-

The City of New York, et al.,

Defendants-Respondents.

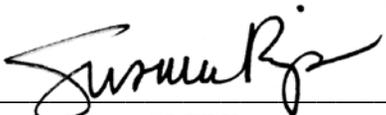
-----X
(And a third-party action)

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 20, 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 February 2013 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 September 27, 2012.

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

-----x
Wells Fargo Bank Northwest, N.A.,
etc.,

Plaintiff-Respondent,

-against-

M-3897
Index No. 650500/09

US Airways, Inc.,

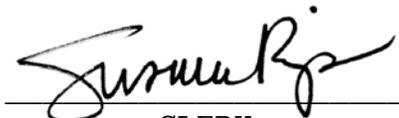
Defendant-Appellant.
-----x

Defendant-appellant having moved, on consent, for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 8, 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 February 2013 Term, with leave to seek a further enlargement, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

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

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

Respondent,

-against-

M-3798
Ind. No. 3534/08

Mark Richardson,

Defendant-Appellant.
-----x

Defendant-appellant having moved pro se for leave to file a pro se supplemental brief in connection with the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 27, 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, as premature, the appeal having not been perfected by assigned counsel on 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 September 27, 2012.

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

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

-against-

M-3861
Ind. No. 5925/08

Jenethza Cruz,
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 October 21, 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 yet been perfected by assigned counsel on 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 September 27, 2012.

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

-----x

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

Katherine G.,
Petitioner-Appellant,

-against-

David Ilya B.,
Respondent-Respondent.

-----x

M-3990
Docket Nos. V-15743-10/12A
V-15743-10/12B
V-15744-10/12A
V-15744-10/12B

An appeal having been taken to this Court by petitioner-appellant from the order of the Family Court, New York County, entered on or about August 6, 2012,

And petitioner-appellant having moved for a stay of enforcement of the order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----x
Richard P. Nespola,
Petitioner-Respondent,

-against-

The Management Network Group, Inc.,
Respondent-Appellant,

M-3826
M-4039
Index No. 650517/12

-and-

American Arbitration Association,
Respondent.

-----x

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 13, 2012, and said appeal having been perfected,

And respondent-appellant having moved, pursuant to CPLR 5519(c), for a stay of execution and enforcement of the order and judgment pending hearing and determination of the aforesaid appeal (M-3826),

And petitioner-respondent having cross-moved for an order directing respondent-appellant to post an undertaking in connection with the aforesaid appeal (M-4039),

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

It is ordered that the motion is granted to the extent of staying arbitration and enforcement of the order and judgment pending hearing and determination of the aforesaid appeal. The cross 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 September 27, 2012.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x
Robert Pitt Realty, LLC, et al.,
Plaintiffs-Respondents,

-against-

19-27 Orchard Street, LLC, et al.,
Defendants-Respondents,

-and-

M-4123
Index No. 24648/05

Farm Family Casualty Insurance Company,
Defendant,

-and-

Essex Insurance Company, et al.,
Defendants-Appellants.

- - - - -
[And a third-party action]

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about December 13, 2010, and said appeal having been perfected,

And defendant-appellant Essex Insurance Company having moved, pursuant to CPLR 5519(c), for an order granting an immediately discretionary stay of enforcement of a declaratory judgment entered on December 13, 2010, for approval of an appeal bond, and for adjournment of the aforesaid appeal,

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

It is ordered that the motion is denied as unnecessary, an undertaking having been posted, and the interim relief granted by order of a Justice of this Court dated September 7, 2012, is vacated as superceded by posting of the aforesaid undertaking.

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 September 27, 2012.

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

-----X
Francisca Montan,
Plaintiff-Appellant,

-against-

M-3382
Index No. 306712/10

Otilio Pena,
Defendant-Respondent.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 18, 2011, and said appeal having been perfected,

And defendant-respondent having moved for an enlargement of time to serve and file a respondent's brief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from McAloon & Friedman, P.C. (Kenneth P. Starace, of counsel), and the stipulation of the parties dated June 4, 2012, and due deliberation having been had thereon,

It is ordered that the motion and the appeal are deemed withdraw 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 September 27, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3266
Ind. No. 3929/11

Jose Delorbe,

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 May 23, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 September 27, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3267
Ind. No. 6030/10

Sheldon Herron,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 19, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

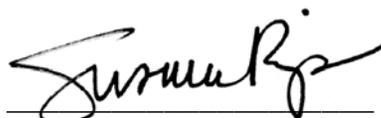
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, Telephone No. , 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 September 27, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application of
Miguel Andrade,
Petitioner-Appellant,

M-3274
Index No. 402860/10

For a Judgment, etc.,

-against-

New York City Police Department,
et al.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 23, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced petitioner-appellant's brief, on condition that petitioner-appellant serves one copy of such brief upon the attorney for respondent and files 8 copies of such brief, together with the original record, with this Court. Petitioner-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks the assignment of counsel 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 September 27, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosaly H. Richter, Justices.

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

-against-

M-3348
Ind. No. 2474/10

Jose M. Jimenez,
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 December 19, 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(a), setting forth the terms of defendant's retainer agreement with trial counsel, Deron Castro, 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 September 27, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3350
Ind. No. 964/12

Tony Shaw,
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 April 5, 2012, 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,

Sua sponte, it is ordered that the motion is granted only to the extent of deeming the notice of appeal as timely filed.

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, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute 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 September 27, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3269
Ind. No. 1369/00

Sindy Smith,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about May 24, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$125,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----x
In the Matter of

Mia B., and
Lilly B.,

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

M-2548
Docket Nos. NA-42693/11
NA-42694/11

Catholic Guardian Society and Home
Bureau and Administration for
Children's Services,
Petitioners-Respondents,

Brandy R.,
Respondent-Appellant.

Linda Diaz, Esq. and Karen J. Freedman,
Esq., Lawyers for Children, Inc.,
Attorneys for the Children.

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about April 25, 2012,

And respondent-appellant having moved for poor person relief, for a stay of the aforesaid order pending hearing and determination of the appeal taken therefrom, 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, to the extent it seeks a stay, is denied. The motion, to the extent it seeks poor person relief, is denied as unnecessary, said relief having been granted by the order of this Court entered on May 31, 2012 (M-2159).

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 September 27, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

M-3393

Ind. Nos. 6852/98

-against-

1730/99

1730A/99

Angie Codina,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 15, 2011 [Corrected Order August 13, 2012] (M-4268), inter alia, granting defendant 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 June 24, 2005,

And defendant having moved for an extension of time in which to file the 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 10 copies of her pro se supplemental brief on or before December 3, 2012 for the February 2013 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:



CLERK

PM ORDERS

ENTERED ON

SEPTEMBER 25, 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 September 25, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

-----x
Julio Rebollo,

Plaintiff-Appellant,

-against-

M-1756
Index No. 115289/08

Nicholas Cab Corp., et al.,

Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 6, 2011 (mot. seq. no. 003), and said appeal having been perfected,

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

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

It is ordered that the motion is granted.

ENTER:


CLERK

PM ORDERS

ENTERED ON

SEPTEMBER 27, 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 September 27, 2012.

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

-----X
In the Matter of the Application of

Michael Barrett,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78 M-1232
of the Civil Practice Law and Rules, Index No. 401937/10

-against-

New York City Housing Authority,
Respondent-Appellant.

-----X

Respondent having moved for, leave to appeal to this Court from the decision and order of the Supreme Court, New York County, entered on or about February 15, 2011, and confirmation of an automatic stay pursuant to CPLR § 5519 (a)(1) or, for a discretionary stay of enforcement of the aforesaid order pending hearing and determination of the appeal,

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

It is ordered that the leave to appeal to this Court is granted and the automatic stay pursuant to CPLR § 5519 (a)(1) is confirmed to the extent that the underlying Article 78 proceeding is stayed pending hearing and determination of the 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 September 27, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Chong Min Mun and SK New York, LLC,

Plaintiffs-Respondents,

-against-

M-3995
Index No. 604158/05

Soung Eun Hong,

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 December 17, 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 2013 Term.

ENTER:


CLERK