

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

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

-----X

In the Matter of

Corey D.,

A Person Alleged to be a  
Juvenile Delinquent,  
Respondent-Appellant.

M-877  
Docket No. D-23990/11

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about May 4, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated February 13, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

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

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

-against-

M-913  
Ind. No. 2240/11

Reginald Doles,  
Defendant-Respondent.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about February 9, 2012 and March 15, 2012, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated February 4, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

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

-----X

In the Matter of

Jason M.,

A Person Alleged to be a  
Juvenile Delinquent,  
Respondent-Appellant.

M-1081  
Docket No. D-11675/11

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about February 24, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated February 21, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

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

-----X  
Alex Boltin, Roman Buslovich,  
VMI Production, Inc. and  
Boltin Enterprises, Inc.,  
Plaintiffs,

-and-

Marina Lerner,  
Plaintiff-Respondent,

-against-

M-875  
Index No. 602616/07

Vlad Lavrinovich, and New Age  
Entertainment, Inc.,  
Defendants-Appellants,

-and-

Natalya Vilkova, also known as  
Natalya Lavrinovich, Rose Klig,  
Euphoria Entertainment, Inc.,  
Euphoria MFC, Inc., Six Row  
Productions, Inc., VNM Entertainment  
and John Doe Corporations 1-10,  
Defendants.

-----X  
Vlad Lavrinovich and New Age  
Entertainment, Inc.,  
Third-Party Plaintiffs-Appellants,

-against-

Third Party  
Index No. 591019/08

Gary Lerner, Esq., Lerner & Kaplan,  
PLLC, McLan Accounting Services, LLC  
and Isaac Vainer,  
Third-Party Defendants-Respondents,

-and-

Lerner & Kaplan, PLLC,  
Third-Party Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 28, 2010 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated February 7, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

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

-----X  
Jocelyn Wildenstein,

Plaintiff-Respondent,

M-1097

Index No. 650968/10

-against-

5H&Co., Inc. and Alex Stojanovic,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 23, 2011 (mot. seq. no. 002)

Now, upon reading and filing the stipulation of the parties hereto, dated February 22, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 April 9, 2013.

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

-----X  
Angela Vivas,

Plaintiff-Respondent,

M-756

Index No. 110941/09

-against-

Hassan Moujir and Andrea Latif,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 26, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated January 23, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2013 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 April 9, 2013.

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

-----X  
Estelita Malupa,  
Plaintiff-Appellant,

-against-

M-243  
Index No. 6965/07

Anthony Oppong, Anthony Bortolomey,  
Alon Zucco, Claudio A. Contreras,  
Foday Karebo, NYC Auto Link LLC,  
Michael Adeyoke and Free Ride  
Express,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 2, 2012, and said appeal having been perfected,

And defendant-respondent Claudio A. Contreras having moved for dismissal of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated January 24, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

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

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

Ariel Berlin,  
Petitioner-Respondent,

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

M-568  
Index No. 113670/10

-against-

Andrea Evans, Chief Executive Officer,  
New York State Division of Parole,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for dismissal of the appeal taken from order of the Supreme Court, New York County, entered on or about April 13, 2011, and said appeal having been heard and subsequently dismissed as abated by petitioner's death (Appeal No. 7691 entered February 5, 2013),

Now, upon reading and filing the papers with respect to the motion including the correspondence from Sudarsana Srinivasan, Esq. dated February 6, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

M-500  
Ind. No. 3942/06

Eloy Andrade,  
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 (Fitzgerald, J.), entered on or about December 14, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Fitzgerald as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

M-684  
Ind. No. 5097/09

Kenneth Ramsey,  
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 (Bonnie Wittner, J.) entered on or about October 1, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Wittner 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 April 9, 2013.

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

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

-against-

M-567  
Ind. No. 1015/09

Sahim Lucas,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 4, 2012 (M-3477), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 14, 2012, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice  
David Friedman  
Sheila Abdus-Salaam  
Darcel D. Clark, Justices.

-----X  
Harlem Real Estate LLC, Citarella  
Operating LLC,  
Plaintiffs-Appellants,

-against-

New York City Economic Development  
Corporation, et al.,  
Defendants-Respondents.

M-1054  
Index No. 111768/06

-----X

Plaintiffs-appellants having moved for an order staying discovery pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 11, 2012 (mot. seq. no. 006),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Assured Guaranty Municipal Corp.,  
formerly known as Financial Security  
Assurance Inc.,  
Plaintiff-Respondent,

-against-

Jefferson County, Alabama; JPMorgan  
Chase Bank, N.A. and JPMorgan  
Securities, Inc.,  
Defendants-Appellants.

M-552  
Index No. 650642/10

-----X  
JPMorgan Chase, N.A., and JPMorgan  
Securities, LLC, sued herein as  
JPMorgan Securities, Inc.,  
Third-Party-Plaintiffs-  
Respondents,

-against-

Jefferson County, Alabama,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken by defendant/third-party defendant-appellant from the order of the Supreme Court, New York County, entered on or about August 18, 2011 (mot. seq. no. 003),

And defendant/third-party defendant-appellant having moved for leave to hold the appeal in abeyance until an automatic stay imposed has been lifted,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2013 Term, with leave to seek a further enlargement, if necessary. (See M-554, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Syncora Guarantee Inc.,  
Plaintiff-Respondent,

-against-

Jefferson County, Alabama; JPMorgan  
Chase Bank, N.A. and JPMorgan  
Securities, Inc.,  
Defendants-Appellants.

M-554  
Index No. 601100/10

-----X  
JPMorgan Chase, N.A., and JPMorgan  
Securities, LLC, sued herein as  
JPMorgan Securities, Inc.,  
Cross-Claim Plaintiffs-  
Respondents,

-against-

Jefferson County, Alabama,  
Cross-Claim Defendant-Appellant.  
-----X

An appeal having been taken by defendant/cross-claim defendant-appellant from the order of the Supreme Court, New York County, entered on or about August 18, 2011 (mot. seq. no. 005),

And defendant/cross-claim defendant-appellant having moved for leave to hold the appeal in abeyance until an automatic stay imposed has been lifted,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2013 Term, with leave to seek a further enlargement, if necessary. (See M-552, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Rolando T. Acosta  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-5920  
Ind. No. 3441/09

Corey Williams,  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 31, 2011 (M-1231), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York New York County, rendered on or about June 9, 2010, and assigning Steven Banks, Esq., as counsel to prosecute the appeal,

And defendant-appellant, both pro se and through retained counsel Robert DiDio, Esq., having moved for an order relieving assigned counsel on appeal and to substitute retained counsel on the appeal, 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal. The motion, to the extent it seeks to substitute retained counsel on the appeal, is denied as unnecessary. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged to the September 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 April 9, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sheila Abdus-Salaam  
Judith J. Gische, Justices.

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

-against-

M-1134  
Ind. No. 4680/10

Moses Suarez,  
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 January 17, 2013, 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 only to the extent of deeming the notice of appeal timely filed.

The motion, insofar as 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, Dawn Florio, 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 April 9, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X

Hector Pimentel,  
Plaintiff-Respondent,

**M-961**

-against-

Action No. 1  
Index No. 303876/07

Bobby Wong,  
Defendant-Appellant.

-----  
Nicola Newark,  
Plaintiff-Respondent,

Action No. 2  
Index No. 252256/08

-against-

Hector R. Pimentel,  
Defendant,

-and-

Bobby Wong,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 20, 2013,

And defendant-appellant Bobby Wong having moved for a stay of the damages trial with respect to Action No. 1 pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties filed March 8, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn insofar as it pertains to plaintiff-respondent Newark in Action No. 2 in accordance with the aforesaid correspondence. The motion to stay trial 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 April 9, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sheila Abdus-Salaam  
Judith J. Gische, Justices.

-----X

In the Matter of the Application of  
Jose A. Maldonado, doing business as  
Alex 123 Auto Repair, Jose I. Diaz,  
Luis A. Ortiz, Jose A. Maldonado,  
and Jose A. Holguin,  
Petitioners,

**M-1200**  
Index No. 260506/12

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

-against-

State of New York Department of Motor  
Vehicles, et al.,  
Respondents.

-----X

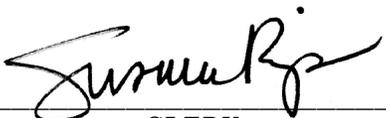
An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about January 23, 2013,

And petitioner having moved for a stay of enforcement of the aforesaid determination pending hearing and determination of the proceeding,

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

It is ordered that the motion is granted on condition the proceeding is perfected on or before July 8, 2013 for the September 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 April 9, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sheila Abdus-Salaam, Justices.

-----X  
Ronny Lopez,  
Plaintiff-Respondent-Appellant/  
Respondent,

-against-

**M-1300**  
Index No. 20120/06

Hudson Waterfront Company, "G", LLC,  
Bovis Lend Lease, Inc., Trump/New  
World Project MGMT.,  
Defendants-Appellants-Respondents/  
Appellants,

Schuman Lichtenstein Clamon & Efron,  
Architects, et al.,  
Defendants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 31, 2012 and an appeal having been taken by defendants-appellants from an order of the same Court entered on or about September 27, 2012,

And an order of this Court having been entered on January 29, 2013 (M-5947), consolidating said appeals and the cross appeal and enlarging the time to perfect same to the June 2013 Term, and the consolidated direct appeals of defendants-appellants-respondents/appellants having been perfected,

And plaintiff-respondent-appellant having moved for a further enlargement of time to perfect its 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 enlarging the time to perfect the cross appeal to the September 2013 Term, and adjourning the perfected appeals to said September 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 April 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Dianne T. Renwick  
Darcel D. Clark, Justices.

-----X  
In the Matter of

Hezekiah J.,  
Ezekiel J.,  
Jeremiah J.,  
Joshua J.,  
Gabriel J., and  
Isaiah J.,

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

M-168  
Docket Nos.  
NN-21824-29/12

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

Stacy J.,  
Respondent-Appellant,

Mark G.,  
Respondent.

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

Kao Lew, Esq.,  
Attorney for the Children  
Hezekiah J., Jeremiah J.,  
Joshua J. and Gabriel J.,

Mari Hinojose, Esq.,  
Lawyers for Children,  
Attorney for the Child Isaiah J.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about November 16, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Nelson S. Román  
Darcel D. Clark, Justices.

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

-----  
Marisela N., M-276  
Petitioner-Respondent, Docket No. O-4261/10

-against-

Lacy M. S.,  
Respondent-Appellant.

-----X

Respondent-appellant Lacy M. S. having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 9, 2012, which denied petitioner-respondent's motion to vacate an order of protection entered January 19, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant

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

to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Presiding Justice,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

M-4055  
Ind. No. 4332/00

Darnell Macon,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about October 31, 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 April 9, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Nelson S. Román  
Darcel D. Clark, Justices.

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

-against-

M-214  
Ind. No. 2013/11

Monserate Rodriguez,  
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 May 3, 2012, 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 April 9, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
In the Matter of the Application of  
Latoya Burns,  
Petitioner-Appellant,

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

M-1064  
Index No. 401771/12

-against-

New York City Housing Authority,  
Lexington Houses,  
Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 31, 2013,

And petitioner-appellant having moved for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for a stay of proceedings pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted 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 serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. 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 April 9, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

Respondent,

-against-

Terry Chapman,

M-1082  
Ind. No. 4026/07

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 12, 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 to perfect the appeal to the September 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 April 9, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Marianne T. O'Toole, Chapter 7  
Trustee, as Successor in Interest  
to Kevin Mosley,  
Plaintiffs-Respondents,

-against-

George L. Unis,  
Defendant-Appellant.

M-1420  
Index No. 115084/08

-----X

Defendant-appellant 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 February 14, 2013 (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 denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Arondizuogu Patriotic Union, USA Inc.,

Plaintiff-Respondent,

-against-

Chinyere Igbudu, et al.,

Defendants-Appellants.  
-----X

M-512  
Index No. 301773/09

Defendants-appellants having moved for an order staying the proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 8, 2012,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

Piotr Harasim and Anna Harasim,  
Plaintiffs-Respondents-Appellants,

-against-

M-1272  
Index No. 400124/09

Eljin Construction of New York, Inc.,  
Defendants-Appellants-Respondents,

Madison-90<sup>th</sup> Street Corporation, and  
Residential Management, LLC, sued herein  
as Douglas Elliman, LLC,  
Defendants-Appellants-Respondents.

-----X

Madison 90<sup>th</sup> Street Corporation and  
Residential Management, LLC, sued herein  
as Douglas Elliman, LLC,  
Third-Party Plaintiffs-Respondents  
-Appellants,

-against-

Third-Party  
Index No. 75461/08

Susan Goldberg and Michael Goldberg,  
Third-Party Defendants-Appellants  
-Respondents.

-----X

(And a second third-party action)

Appeals and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about May 21, 2012,

And defendants-appellants-respondents/third-party plaintiffs-respondents-appellants, Madison 90<sup>th</sup> Street Corporation and Residential Management, LLC, sued herein as Douglas Elliman, LLC, having moved to stay trial pending

hearing and determination of the aforesaid appeals and cross appeals taken from the order of the Supreme Court, New York County, entered on or about May 21, 2012, and the appeals of defendant-appellant-respondent, Eljin Construction of New York, Inc., and third-party defendants-appellants-respondents, Susan and Michael Goldberg, having been perfected,

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Benjamin Gattegno,  
Plaintiff-Appellant,

-against-

The Trustee of Columbia University in  
The City of New York, sued herein as  
Columbia University,  
Defendant-Respondent,

M-542  
Index No. 400268/11

BAYA Inc.,  
Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from order of the Supreme Court, New York County, entered on or about December 21, 2012 (mot. seq. no. 003),

Now, upon reading and filing the papers with respect to the motion including the correspondent from Paul N. Gruber, Esq. dated March 1, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
Fabian A. Onetti and Maria P. Onetti,  
Plaintiffs-Respondents-Appellants,

-against-

M-706  
Index No. 450493/12

The Gatsby Condominium,  
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about March 9, 2012 (mot. seq. no. 003) and May 29, 2012 (mot. seq. no. 005) and September 12, 2012 (mot. seq. no. 006), respectively,

And an order of this Court having been entered on December 13, 2012 (M-5301), consolidating the aforesaid appeals and enlarging the time to perfect the consolidated appeals to the May 2013 Term,

And defendant-appellant-respondent having moved for an enlargement of time to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals and cross appeal to the September 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 April 9, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

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

Respondent,

-against-

M-199  
Ind. No. 5749/09

Arthur Franklin,

Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about January 9, 2012,

And defendant-appellant pro se having moved for an order relieving retained counsel Harold B. Ramsey, Jr. and to substitute retained counsel Robert DiDio, Esq. as counsel to prosecute 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.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----x  
Eric Alexander,

Plaintiff-Respondent,

-against-

M-176  
Index No. 304255/09

Hany Alexander,

Defendant-Appellant.  
-----x

An appeal having been taken from the order and judgment (one paper) of divorce of the Supreme Court, New York County, entered on or about November 26, 2012,

And counsel for defendant-appellant, Raoul Felder & Partners, P.C., having moved for leave to withdraw as counsel in connection with the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X

Marisa Soto-Henry,  
Plaintiff-Appellant,

-against-

M-786  
Index No. 102061/12

Christopher Henry, Hilma Gray  
and Michael Pottinger,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 31, 2013 (mot. seq. no. 003),

And plaintiff-appellant, pro se, having moved to "vacate" the aforesaid order,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

-----X  
Seth Rotter,  
Plaintiff-Respondent/  
Plaintiff-Respondent-Appellant,

-against

M-110

M-352

Index No. 600609/06

Alan S. Ripka, et al.,  
Defendants-Appellants/  
Defendants-Appellants-Respondents.

-----X

Appeals having been taken by defendants from orders of the Supreme Court, New York County, entered on or about March 20, 2012 (mot. seq. nos. 009, 010), April 10, 2012, the order and judgment (one paper) of said Court entered on or about and August 15, 2012, and the supplemental judgment of said Court entered on or about June 14, 2012, respectively,

And cross appeals having been taken by plaintiff from order of said Court entered on or about April 10, 2012, the order and judgment (one paper) of said Court entered on or about and August 15, 2012, and the supplemental judgment of said Court entered on or about June 14, 2012, respectively,

And defendants-appellants having moved for consolidation of the direct appeals and for an enlargement of time to perfect their appeals (M-110),

And plaintiff having cross-moved for an enlargement of time to perfect the cross appeals (M-352),

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 and cross motion are granted to the extent of consolidating the aforesaid appeals and cross appeals and enlarging the time to perfect the consolidated appeals and cross appeals to the September 2013 Term. The respective parties are directed to perfect their appeals and cross appeals upon a joint record and single set of appellants/respondents points for said September 2013 Term. The attention of the parties is directed to 22 NYCRR § 600.11.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X  
In the Matter of a Proceeding for  
Custody under § 240 of the Domestic  
Relations Law,

Randall Rackson,  
Petitioner-Respondent,

M-388  
M-518  
Index No. 350395/07

-against-

April Leithleiter-Ward,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the Amended Judgment and Final Order on Petition for Custody of the Supreme Court, New York County, entered on or about March 22, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect the appeal, and for other relief (M-388),

And petitioner-respondent having cross-moved for dismissal of the aforesaid appeal (M-518),

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 only to the extent of enlarging the time to perfect the appeal to on or before July 8, 2013 for the September 2013 Term, and otherwise denied (M-388). The cross motion is granted to the extent of dismissing the appeal unless it is perfected for said September 2013 Term (M-518).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

-against-

**M-386**

Ind. No. 2308/08

Ross Campbell,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 23, 2010,

And defendant having moved for an enlargement of time to perfect the aforesaid appeal,

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

Ordered that the motion is denied as unnecessary, said relief having been granted in the prior order of this Court entered on May 24, 2012 (M-2181).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

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

-against-

M-134  
Ind. No. 3153/11

Jacob Lawton,  
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 October 2, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X

Koya Abe,  
Plaintiff-Appellant,

-against-

M-254  
Index No. 113150/10

Nancy Barton and Ken Castronuovo,  
Defendants-Respondents.

-----X

Plaintiff-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 September 13, 2012 (mot. seq. no. 007), and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondents and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. (See M-255, decided simultaneously herewith.)

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X

Koya Abe,  
Plaintiff-Appellant,

-against-

M-255  
Index No. 152312/12

Michael J. Cohen and Does 1-20,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about November 27, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondents and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. (See M-254, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

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

-against-

M-282  
Ind. No. 1024/09

Keon Daisley,  
Defendant-Appellant.

-----x

An order of this Court having been entered on December 11, 2012 (M-4984), inter alia, granted a continuation of a stay of execution of sentence pending hearing and determination of the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 20, 2012, and on condition the appeal is perfected for the April 2013 Term,

And defendant-appellant having moved for an enlargement of time 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 enlarging the time to perfect the appeal to the September 2013 Term, and continuing the stay granted by an order of a Justice of this Court dated May 29, 2012 upon the same terms and conditions, and on condition the appeal is perfected for said September 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 April 9, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sheila Abdus-Salaam,  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Michelle Bethea,

Petitioner,

**M-5887A**

Index No. 403337/11

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

-against-

John B. Rhea, as Chairperson of the  
New York City Housing Authority,

Respondent.  
-----X

Leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about October 17, 2012, having been denied by an order of a Justice of this Court on April 9, 2013 (M-5887),

And petitioner having moved for a stay of the aforesaid order of the Supreme Court, New York County, entered on or about October 17, 2012,

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

Ordered that the motion is denied, as academic. (See M-5887, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román  
Judith J. Gische, Justices.

-----X

Ambac Assurance Corporation,  
et al.,  
Plaintiffs-Appellants,

-against-

M-859  
Index No. 600070/10

DLJ Mortgage Capital, Inc.,  
et al.,  
Defendants-Respondents.

-----X

Defendants-respondents 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 January 15, 2013 (Appeal No. 9002),

Now, upon reading and filing the papers with respect to the motion including the correspondence from John Ansbro, Esq. dated March 4, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

PM ORDERS  
ENTERED ON  
APRIL 9, 2013

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

BEFORE: Hon. John W. Sweeny, Jr.  
Associate Justice of the Appellate Division

-----X  
In the Matter of the Application of  
Michelle Bethea,

Petitioner,

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

-against-

M-5887

Index No. 403337/11

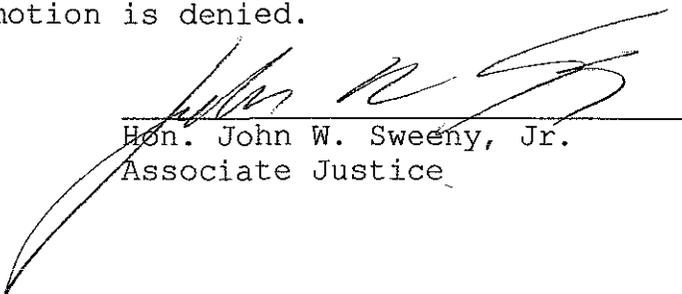
John B. Rhea, as Chairperson of the  
New York City Housing Authority,

Respondent.

-----X  
Respondent John B. Rhea, having timely moved for leave to  
appeal to this Court from the order of the Supreme Court, New  
York County, entered on or about October 17, 2012 (Carol E. Huff,  
J.), which denied respondent agency's motion to dismiss the  
petition,

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.

  
\_\_\_\_\_  
Hon. John W. Sweeny, Jr.  
Associate Justice

Dated: April 2, 2013  
New York, New York

Entered: **APR 09 2013**

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

BEFORE: **Hon. Angela M. Mazzarelli,**  
Justice of the Appellate Division

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

M-86  
Ind. No. 9086/87

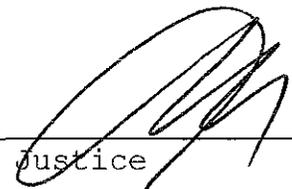
-against-

CERTIFICATE  
DENYING LEAVE

Raphael Baez,

Defendant.  
-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Daniel McCullough, J.), entered on or about July 30, 2012, is hereby denied.

  
\_\_\_\_\_  
Justice

Dated: New York, New York  
*March 25*, 2013

**ENTERED**

APR 09 2013

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

BEFORE: Hon. Rolando T. Acosta  
Justice of the Appellate Division

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

M - 1275  
Ind. No. 4023/89

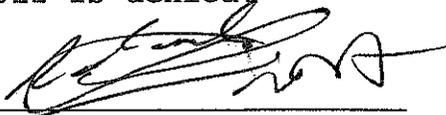
-against-

CERTIFICATE  
DENYING LEAVE

Moises Figueroa,

Defendant.  
-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from orders of the Supreme Court, New York County, entered on or about October 24, 2012 is denied.

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: March 22, 2013  
New York, New York

ENTERED: **APR 09 2013**

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

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

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

M-1368  
Ind. No. 5564/91

-against-

CERTIFICATE  
DENYING LEAVE

David Kelly,

Defendant.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about December 20, 2011, is hereby denied.

Dated: New York, New York  
March 26, 2013



**ENTERED**

\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

APR 09 2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

PRESEBT1 Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

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

-against-

M-5987  
Ind. No. 3278/05

Jason Johnson,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 16, 2008,

And counsel for defendant-appellant having moved for an order unsealing and enlarging the record on appeal to include a certain affidavit and other documents or transcripts related to the People's search warrant under New York County Indictment No. 3278/05,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

Corrected Order - April 9, 2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

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

-----X  
Thomas J. Caso,  
Plaintiff-Appellant,

-against-

Anibal Santos, et al.,  
Defendants-Respondents.

M-1921X  
Index No. 301817/08

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about September 28, 2011 and a judgment of the same court entered on or about November 27, 2012, respectively, and the appeal from the order entered on or about September 28, 2011 having been perfected,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 1, 2013, and due deliberation having been had thereon,

It is ordered that the appeals, one of which having been perfected for the June 2012 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----x  
In the Matter of the Application of  
James Holmes,  
Petitioner-Respondent,

A Defendant in the State of Colorado  
for a Subpoena as a Witness, etc.,

M-1646  
Case No. 30037/13

Jana Winter,  
Respondent-Appellant.  
-----x

Respondent-appellant having moved for a stay of enforcement of the order of Supreme Court, New York County, entered on or about March 7, 2013, 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