

At a 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 16, 2013.

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

-----X

Randi Larowitz,

Plaintiff-Respondent,

-against-

Steven Lebetkin,

Defendant-Appellant.

-----X

M-731X
Index No. 308985/11

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 8, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 6, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 16, 2013.

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

-----X

405 Park LLC,

Plaintiff-Appellant,

-against-

M-792X

Index No. 602187/09

Donerail Corporation N.V. and Two
Riverway Holdings LLC,

Defendants-Respondents.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about November 29, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 7, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 16, 2013.

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

-----X
Christopher Peat,
Plaintiff-Respondent,

-against-

M-963

Fordham Hill Owners Corporation, Index No. 26245/04
Defendant-Appellant,

Fordham Hill Cooperative Apartments,
et al.,
Defendants.

- - - - -
(And third-party actions)
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 16, 2013.

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

-----X
In the Matter of

Justin DeJ.,

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

M-1266
Docket No. NN-364/10

Administration for Children's
Services,
Petitioner-Respondent,

Jerry S.,
Respondent-Appellant.

Eugene McGloin, Esq.,
Attorney for the Child.

-----X

An appeal having been taken from of the Family Court, Bronx County, entered on or about July 25, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed March 5, 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 16, 2013.

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

-----X

Greg Chin,

Plaintiff-Appellant,

-against-

M-1287X

Index No. 308721/11

Wilfred Wright and Albert Faulkner,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 27, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 6, 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 April 16, 2013.

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

-----X
Herbert Moreira-Brown,
Plaintiff-Appellant,

-against-

M-523

Index No. 26490/99

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

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 21, 2008,

And defendants-respondents having moved for dismissal of the aforesaid appeal, or for alternative relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendants-respondents, filed 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

At a 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 16, 2013.

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

-----X
Tower Insurance Company of New York,
Plaintiff-Respondent,

-against-

The Estate of Darnley DeCosta, etc.,
et al.,
Defendants-Appellants,

M-817
Index No. 106183/11

Lawrence Bennett, et al.,
Defendants-Respondents.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 13, 2012 (mot. seq. no. 004),

And defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal,

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 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 16, 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-563
Ind. No. 4552/11

Russell McGee,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 9, 2012 (M-3784), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 9, 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, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

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

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

Raymond A. Martini,
Petitioner-Appellant,

For the Appointment of a Guardian of
the Person and Property of

M-1322
Index No. 260900/12

Raymond A. Martini,
An Alleged Incapacitated Person.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about February 25, 2013,

And petitioner-appellant having moved for leave to prosecute the aforesaid appeal, as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is denied in its entirety.

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 16, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Arbitration and
Certain Controversies Between

Sanford C. Bernstein & Co., LLC,
Petitioner-Appellant,

For an Order Pursuant to Article 75
of the Civil Practice Law & Rules

M-1548
Index No. 650213/13

-against-

Peter A. Gelwarg, et al.,
Respondents-Respondents.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, each entered on or about March 13, 2013,

And plaintiff-appellant having moved for relief in the nature of CPLR 5518 relief, for modification or vacatur of the aforesaid order of Supreme Court denying a stay of arbitration, pending hearing and determination of the aforesaid appeal, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x

Leonardi International Corporation,

Plaintiff-Appellant,

-against-

M-1623

Index No. 104796/09

Altamar Brands LLC, also known as
Altamar Ventures,

Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 12, 2012 (mot seq no. 004), and said appeal having been perfected,

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

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

It is ordered that the motion is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische, Justices.

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

-against-

Jose Salgado,
Defendant-Appellant.

M-957
M-1129
Ind. Nos. 3105/94
3755/08

-----X

An order of a Justice of this Court having been entered on November 15, 2012 (M-4468), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about August 4, 2011 under New York County Ind. No. 3105/94,

And defendant having moved for an enlargement of time in which to file a notice of appeal from said order of the Supreme Court, New York County, entered on or about August 4, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, for the assignment of counsel and for related relief, and said appeal having been perfected pro se (M-957),

And defendant having moved, pro se, for an enlargement of time in which to file a notice of appeal from judgments of the Supreme Court, New York County, rendered on or about May 17, 1994 under Indictment No. 3105/94, and rendered November 5, 2008, under New York County Ind. No. 3755/08, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief (M-1129),

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

It is ordered that the motion (M-957) is granted to the extent of deeming the notice of appeal from the order entered on or about August 4, 2011 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 perfected pro se appeal is deemed withdrawn and the time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record, without prejudice to re-file defendant's pro se brief or a motion to file a pro se supplemental brief, after perfection of the appeal by assigned counsel, if so advised.

It is further ordered that defendant's pro se motion (M-1129) for an enlargement of time to file notices of appeal and for related relief with respect to the judgment rendered on or about May 17, 1994 (Ind. No. 3105/94) and the judgment rendered on or about November 5, 2008 (Ind. No. 2755/08) 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 16, 2013.

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

-----X

Koya Abe,
Plaintiff-Appellant,

-against-

Nancy Barton and Ken Castronuovo,
Defendants-Respondents.

M-1310
M-1311
Index No. 113150/10

-----X

Plaintiff-appellant having moved, by separate motions, for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 31, 2013 (M-1310), and the appeal from an order of the said Court and Justice entered on or about January 25, 2013 (M-1311), and for leave to have the appeals heard on the original record and upon a reproduced appellant's briefs, 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 the motions (M-1310/M-1311) are granted to the extent of permitting the appeals to be heard on the original records and upon a reproduced appellant's briefs, on condition that 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. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

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

-----X
Kristal Romero, an Infant, by Jesenia Diaz, her Parent and Natural Guardian, and Jesenia Diaz, Individually,
Plaintiff-Respondent,

-against-

Charles Nichter, M.D., et al.,
Defendants-Appellants,

New York City Health and Hospitals Corporation,
Defendant-Appellant.

M-1214
M-1261
Index No. 26284/03

-----X
Appeals having been taken by the respective defendants-appellants from an order of the Supreme Court, Bronx County, entered on or about February 21, 2013,

And defendant, New York City Health and Hospitals Corporation, having moved for an order enlarging the time to perfect their appeal (M-1214),

And defendants-appellants, Charles Nichter, M.D., et al., having separately moved for the aforesaid relief (M-1261),

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

Ordered that the motions are granted to the extent of enlarging the time to perfect the respective appeals 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 16, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
169 Bowery LLC,
Plaintiff-Appellant,

-against-

Bowery Development Group, et al.,
Defendants-Respondents.

M-870
Index No. 651102/10

-----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 January 17, 2012 (mot. seq. no. 003),

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 December 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 16, 2013.

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

-----X
Stanley Cohen,
Plaintiff-Respondent,

-against-

M-1176
Index No. 303123/09

Pauline Cohen,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 27, 2012 (M-4804), inter alia, consolidated appeals from the orders of the Supreme Court, New York County, entered on or about April 16, 2012, May 7, 2012, June 14, 2012 and August 14, 2012, respectively,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid 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 granted to the extent of enlarging the time to perfect the consolidated appeals 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 16, 2013.

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

-----X

Lauren Bisk,

Plaintiff-Appellant,

-against-

Cooper Square Realty, Inc.,
et al.,

Defendants-Respondents.

-----X

M-1001

Index No. 108860/07

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

And plaintiff-appellant, pro se, having moved for an order enlarging the record on appeal to include the records from certain other matters which plaintiff states are relevant to her 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 only to the extent of enlarging the time to perfect the appeal to the September 2013 Term. So much of the motion which seeks to enlarge the record on appeal 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 16, 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-1198**
Ind. No. 3889/10

Samuel Blunt,
Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 26, 2012,

And defendant having moved for an order providing him with copies of certain Supreme Court minutes,

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

Ordered that the motion is 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 16, 2013.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Nelson S. Román
Paul G. Feinman, Justices.

-----x
Lion Copolymer, LLC,
Plaintiff-Respondent,

-against-

Kolmar Americas, Inc.,
Defendant-Appellant,

M-1612
Index No. 651993/12

-and-

SGS Nederland B.V., et al.,
Defendants.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 10, 2013 (mot. seq. no. 003), and said appeal having been perfected,

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

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

It is ordered that the motion is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

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

-----X

Yolanda Belmer,
Plaintiff-Respondent,

-against-

HHM Associates, Inc.,
Defendant-Appellant,

M-487
M-687
Index No. 116906/04

Consolidated Edison Company
of New York, Inc., et al.,
Defendants.

-----X

Plaintiff-respondent 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 December 20, 2012 (Appeal No. 6557) [M-487],

And defendant-appellant having cross-moved for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court entered on December 20, 2012 [M-687],

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 denied [M-487/M-687].

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 16, 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-1297
Ind. No. 4526/09

Robert Mangieri,

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 August 24, 2011,

And defendant-appellant, both pro se and through retained counsel, having moved for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time to perfect the appeal,

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

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

The time to perfect appeal enlarged to the September 2013 Term. (See M-2375, 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 16, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-2375
Ind. No. 4526/09

Robert Mangieri,
Defendant-Appellant.

-----x

Retained counsel for defendant, Devereaux, Baumgarte (John W. Russell, of counsel) having moved for leave to withdraw as counsel in connection with the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 24, 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 deemed withdrawn.
(See M-1297, decided simultaneously herewith.)

ENTER:



CLERK

CORRECTED ORDER – June 10, 2015

At a 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 16, 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
Thomas Cross,
Petitioner-Appellant,

M-1183
Index No. 401413/11

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

-against-

James Russo, et al.,
Respondents-Respondents.

-----X

Petitioner having moved for leave to appeal to this Court from the judgment of the Supreme Court, New York County, entered on or about April 3, 2012, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted only to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for 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. **The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor.** The motion, to

CORRECTED ORDER - June 10, 2015

(M-1183)

-2-

April 16, 2013

the extent it seeks leave to appeal to this Court, is denied as unnecessary. Sua sponte, the time to perfect appeal 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 16, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-716
Ind. No. 1268N/12

Amaury Pantaleon,
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 September 24, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, 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 16, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-750
Ind. No. 3808/06

Glenmore Foster,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 19, 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 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 16, 2013.

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

-----X
Maria Antigua and Roberto J. Nunez,
Plaintiffs-Appellants,

-against-

Kim Thoa Dao, et al.,
Defendants-Respondents.

M-1048
Index No. 309899/09

-----X
Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 20, 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 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 16, 2013.

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

-----X
In the Matter of the Application
for a stay of Arbitration of
Interboro Insurance Company,
Petitioner-Respondent,

-against-

Violetta Steed and Delcina Nobles,
Respondents-Respondents,

M-864
Index No. 260096/11

-and-

Maritz Velez and Elena Castro,
Proposed Additional
Respondents-Respondents,

-and-

State Farm Mutual Automobile
Insurance Company,
Proposed Additional
Respondent-Appellant.

-----X

Proposed additional respondent-appellant, State Farm Mutual Automobile Insurance Company, having moved for an enlargement of time to perfect their appeal from the order of the Supreme Court, Bronx County, entered on or about April 11, 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 appeal to the October 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 16, 2013.

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

-----X
Jose Ramirez, also known as
Jose R. Ramirez,
Plaintiff-Appellant,

-against-

44 West 17th, L.L.C.,
Defendant-Respondent.
-----X

M-1161
Index No. 305338/08

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 June 6, 2012, and for leave to prosecute said appeal as a poor person and related relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 Term. 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 16, 2013.

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

-----x
Town Sports International, LLC,
Plaintiff-Appellant,

-against-

M-1118
Index No. 602911/09

Ajilon Solutions, a division of
Ajilon Professional Staffing LLC,
Defendant-Respondent.

-----x

Separate appeals having been taken to this Court by plaintiff-appellant from orders of the Supreme Court, New York County, entered on or about July 11, 2012,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted and appellant is permitted to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals. The time in which to perfect the consolidated appeals is enlarged to the December 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 16, 2013.

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

-----X
8930 Sutphin Blvd. LLC,
Plaintiff-Respondent-Appellant,

-against-

M-1102
Index No. 603257/07

Valentino Associates,
Defendant-Appellant-Respondent,

West End Construction Corp., et al.,
Defendants-Respondents.

(And other actions)

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 12, 2012,

And defendant-appellant Valentino Associates having moved for an enlargement of time to perfect their 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 appeal taken by defendant-appellant Valentino Associates the direct appeal and the appeal of plaintiff-appellant 8930 Sutphin Blvd. LLC and third-party defendant ACHS Management Corp. to be the cross appeal. The time to perfect the appeal and cross appeal is enlarged to the September 2013 Term. The respective parties are directed to perfect their appeal and cross appeal 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 16, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Mason Sung, as Executor of the
Estate of Lori Udell, Deceased,
and Mason Sung, Individually,
Plaintiff-Respondent/Respondent,

-against-

M-627
M-800
Index No. 110627/08

Matthew B. Lubin, M.D., Daniel J.
Baker, M.D. and Lenox Hill Emergency
Services, P.C.,
Defendants-Appellants,

Mindy Markowitz, M.D., and Lenox Hill
Hospital,
Defendants-Appellants/Appellants,

Joan K. Zawin, M.D., and Elisabeth
Gomori, M.D.,
Defendants.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 11, 2012 (mot. seq. no. 003),

And an appeal having been taken by Mindy Markowitz, M.D., and Lenox Hill Hospital from an order of said Court entered on or about September 27, 2012 (mot. seq. no. 005),

And defendants-appellants Matthew B. Lubin, M.D., et al. having moved for an enlargement of time to perfect their appeal from the aforesaid order of the Supreme Court, New York County, entered on or about April 11, 2012 (M-627),

And defendants-appellants Mindy Markowitz, M.D., and Lenox Hill Hospital having moved for an enlargement of time to perfect their appeals from the aforesaid orders (M-800),

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

It is ordered that, sua sponte, the appeals of appellants Mindy Markowitz, M.D., and Lenox Hill Hospital from the orders entered on or about April 11, 2012 and September 27, 2012 are consolidated. The motions are granted to the extent of enlarging the time to perfect the aforesaid consolidated appeals and, the time to perfect the appeal taken by defendants-appellants Matthew B. Lubin, M.D., et al., to the September 2013 Term. The Clerk is directed to calendar the consolidated appeals and the Lubin appellants' appeal for hearing together.

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 16, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x
In the Matter of the Application of
Mark Landis,

Temporary Guardian of the Property,
for the Appointment of Guardians
for:

Lea D., also known as Claire H.,
also known as Claire D.,

An Alleged Person in Need of a
Guardian.

M-889
Index No. 500155/10

- - - - -
Marc A. Landis,
Petitioner-Respondent,

David Debora,
Cross Petitioner-Appellant,

Lea C. Debora,
Respondent-Respondent.

-----x
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 12, 2012, and said appeal having been perfected,

And petitioner-respondent having moved for dismissal of the aforesaid appeal or, in the alternative, to strike portions of the record or, for leave to file a supplemental record on appeal to include all documents necessary to rebut appellant's arguments on 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 only to the extent of granting petitioner-respondent leave to file a supplemental record on appeal to include all necessary documents not included in the record filed, and adjourning the appeal to the September

2013 Term. The motion, to the extent it seeks dismissal of the appeal pursuant to CPLR 5511 and for leave to strike portions of the brief raising certain arguments is denied, without prejudice to addressing the issues in the respondent's brief. 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 16, 2012.

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

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

-against-

M-1450
Ind. No. 6470/04

Anthony Fontanetta,
Defendant-Appellant.

-----X

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

And a stay of execution and request for bail having been granted by a Justice of this Court on September 22, 2011, upon certain conditions,

And defendant-appellant having moved for an order continuing the aforesaid relief granted by a Justice of this Court on September 22, 2011, 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 motion is granted, on consent, to the extent of continuing the stay of execution and bail, granted on September 22, 2012 by a Justice of this Court, on the same terms and conditions, and on condition the appeal is perfected on or before August 5, 2013 for the October 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 16, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Renato Tedesco,
Plaintiff,

-against-

Ecobank Transnational Incorporated,
etc., et al.,
Defendants.

M-1217
Index Nos. 109766/06
109767/06

- - - - -
Ann G. Kayman, Esq.,
Nonparty Appellant,

Howard L. Blau, et al.,
Nonparty Respondents.

-----X

Nonparty respondent 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 29, 2013 (Appeal No. 9111N),

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

CORRECTED ORDER APRIL 17, 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 16, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Timothy Williams,
Plaintiff-Appellant,

-against-

M-888
Index No. 8254/04

The City of New York,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 18, 2010, and said appeal having been perfected,

And defendant-respondent having moved to dismiss the aforesaid appeal for failure to serve and file certain transcripts,

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, without prejudice to raising the issue upon argument of the appeal, which is adjourned 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 16, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----x

Andrew Arnold,
Petitioner-Appellant,

-against-

M-1285
Index No. 260282/08

The New York State Department of
Human Rights, Beth Abraham Health
Services, Inc., Yoni Kono, Maureen
Connolly and Keri Frazier-White,
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 4, 2012, and said appeal having been perfected,

And respondents-respondents Beth Abraham Health Services, Inc., Yoni Kono, Maureen Connolly and Keri Frazier-White having moved for dismissal 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, without prejudice to raising substantive arguments in the respondents' brief on appeal. Respondents are directed to file said respondents' brief on or before August 7, 2013 for the September 2013 Term, to which Term the appeal is adjourned.

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 16, 2013.

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

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

-against-

M-685
Ind. No. 3577/09

Luis Zambrano,
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 September 24, 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 16, 2013.

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

-----X
In the Matter of

Savannah Love Joy F.,
also known as Savannah D.,

M-444A
Docket No. B-42749/10

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

- - - - -
Episcopal Social Services, et al.,
Petitioners-Respondents,

Freddy F.,
Respondent-Appellant.

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

-----X

Respondent-appellant father 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 August 7, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, 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 therefor¹ **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.** The order of this Court entered on March 26, 2013 (M-444) is hereby recalled and vacated.

ENTER:


CLERK

¹Service 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 16, 2013.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-586
Ind. No. 5990/08

Clevester Hemphill,

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 July 12, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Al Dilmaghani, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

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

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

-against-

Gary Sanders,
Defendant-Appellant.

M-580
Ind. Nos. 3679/11
722/12

-----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 August 31, 2012, 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 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, including the amount and sources of his income and listing his property with its value.

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 16, 2013.

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

-----X
Rosemarie R. McCloy,
Plaintiff-Appellant,

-against-

The Long Island Railroad Company,
et al.,
Defendants-Respondents.

M-503
M-680
Index No. 110596/11

-----X

Plaintiff-appellant having moved, by motion and amended motion (M-503/M-680), for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 7, 2011, respectively,

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

It is ordered that the motion (M-503) is deemed withdrawn, and the amended motion (M-680) 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 16, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Edgardo Robles, an infant by his mother and natural guardian, Maria Soto and Maria Soto, individually, Plaintiffs-Respondents,

-against-

M-1208
Index No. 350622/09

City of New York, Administration for Children's Services and James Boyd, Defendants-Appellants.

-----X

An appeal having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about March 27, 2012 and September 21, 2012, respectively, and said appeal having been perfected,

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

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

It is ordered that the motion is granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Arc on 4th Street, Incorporated,
Petitioner-Landlord-Respondent,

-against-

M-1670
Index No. 570639/11

Tony Quesada,
Respondent-Tenant-Appellant.

-----X

An order of this Court having been entered on February 26, 2013 (M-5531), inter alia, granting respondent-tenant leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 27, 2012, and said appeal having been perfected,

And respondent-tenant-appellant having moved for a stay of petitioner-landlord-respondent from re-letting the premises in dispute located at 59-61 East 4th Street, Units 7W and 7E, New York, New York, 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 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 16, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
The Goldman Sachs Group, Inc., and
Goldman, Sachs & Co.,
Plaintiffs-Respondents,

-against-

M-1347
Index No. 602060/09

Almah, LLC,
Defendant-Appellant.

-----x

A purported appeal having been taken from the decision of the Supreme Court, New York County, entered on or about May 16, 2012 (mot. seq. no. 002), and said appeal having been perfected,

And defendant-appellant having moved to deem aforesaid appeal to be one from the order and the judgment of said Court entered on or about August 6, 2012 and September 18, 2012, respectively, and 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 only to the extent of deeming the appeal to be one from the final judgment entered on or about September 18, 2012, bringing up for review the order entered on or about August 6, 2012 (CPLR 5501[a], 5520[c]). The motion, to the extent it seeks an enlargement of time to perfect the appeal, is denied as academic. 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 16, 2013.

Present - Hon. David Friedman, 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-6017
Ind. No. 2542/02

James Henderson,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 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 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 **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 April 16, 2013.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
The State of New York,
ex rel. Georges G. Lederman, Esq.,
on behalf of Janet Miller 347-12-02172,
Petitioner-Appellant,

-against-

M-700
Index No. 100205/13

Evelyn Mirabel, Warden, Rose M.
Singer Center, 19-19 Hazen Street,
East Elmhurst, New York, 11370,
Defendant-Appellant.

-----X
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 31, 2013,

And petitioner having moved for relief in the nature of bail pending appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, filed February 20, 2013, and due deliberation having been had thereon, it is

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

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

-----X

Nata Bob,

Plaintiff-Respondent,

-against-

M-5183

Index No. 403033/10

Steven Cohen, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on October 2, 2012 (Appeal Nos. 8147-8148),

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

It is ordered that the motion is granted and, upon reargument, the decision and order of this Court entered on October 2, 2012 (Appeal Nos. 8147-8148) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 8147-8148, 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 16, 2013.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Sheila Abdus-Salaam
Nelson S. Román
Paul G. Feinman, Justices.

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

-against-

M-517
Ind. No. 10623/90

Francisco Medina,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on September 4, 2012, granting defendant leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about June 20, 2012,

And an order of this Court having been entered on January 22, 2013 (M-4965), granting defendant-appellant leave to prosecute the aforesaid appeal as a poor person and assigning Steven Banks, Esq., as counsel on said appeal,

And defendant having moved to relieve assigned counsel Steven Banks, Esq., and substituting Salvatore Delgado, Esq., as counsel on defendant's appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant, filed February 13, 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 16, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Sheila Abdus-Salaam
Nelson S. Román
Paul G. Feinman, Justices.

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

-against-

M-596
Ind. No. 5606/99

Jazzmond Foy,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 12, 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 on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 April 16, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Sheila Abdus-Salaam
Nelson S. Román
Paul G. Feinman, Justices.

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

-against-

Ramon Hall,
Defendant-Appellant.

M-652
Ind. Nos. 3950/11
3428/10
Docket Nos. 54845/10
39027/11

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 4, 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 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.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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 April 16, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Sheila Abdus-Salaam
Nelson S. Román
Paul G. Feinman, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-754

Ind. No. 1381/09

Oman Gutierrez,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 14, 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 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 16, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Nelson S. Román
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
U.S. Bank, etc.,
Plaintiff-Respondent,

-against-

Sinckler-Wilson Properties, Inc.,
a New York Corporation, et al.,
Defendants-Appellants.

M-796
Index No. 381119/11

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 30, 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 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 16, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Wally Gutierrez, an Infant by his
Mother and Natural Guardian,
Yoselin Terrero,
Plaintiff-Appellant,

-against-

M-824
Index No. 110543/08

New York City Health and Hospitals
Corporation (Metropolitan Hospital),
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about January 26, 2012 and November 21, 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 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 16, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Nelson S. Román
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Cynthia Dawkins,
Plaintiff-Appellant,

-against-

M-1112
Index No. 104538/08

Elizabeth Cartwright, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant 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 April 9, 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 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 16, 2013.

Present - Hon. David B. Saxe, Justice Presiding,
Helen E. Freedman
Nelson S. Román
Judith J. Gische, Justices.

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

-against-

M-5576
Ind. No. 1545/10

Carl Thompson,
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, Bronx County, rendered on or about June 29, 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 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.

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

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M - 1439
Ind. No. 10203/1995

-against-

CERTIFICATE
DENYING LEAVE

James Jones
Defendant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about September 18, 2012, is hereby denied.

Sheila Abdus-Salaam
Associate Justice

Dated: March 28, 2013
New York, New York

ENTERED: **APR 16 2013**

PM ORDERS

ENTERED ON

APRIL 16, 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 16, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Jean Emery,
Plaintiff-Appellant-Respondent,

-against-

M-1047
Index No. 116082/10

Roger N. Parker, Esq., et al.,
Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about March 23, 2012, and the direct appeal having been perfected,

And defendants-respondents-appellants having moved for an order, inter alia, dismissing plaintiff's appeal for failure to file a proper appendix, imposing costs, sanctions and attorney's fees upon plaintiff, and for alternative 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 defendants to serve and file a supplemental appendix, which shall include the notice of cross appeal and supporting documents, at their own expense; and granting defendants leave to advance arguments as to plaintiff-appellant's appendix in their respondents-appellants' brief, if so advised. The time to serve and file said respondents-appellants' brief is enlarged to April 24, 2013; time to serve and file appellant-respondent's reply brief is enlarged to May 3, 2013 and to serve and file respondents-appellants' reply brief to May 10, 2013 accordingly. 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 16, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
David Friedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of

Sylvial G., also known as
Sylvia G., and Michael M.
and Keith H.,

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

M-1313

Docket Nos. NN-22439/11
NN-22440/11
NN-22441/11

Administration for Children's
Services,
Petitioner-Respondent,

Barbara G.,
Respondent-Appellant.

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

-----X

Respondent-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about July 6, 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 therefor¹ **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

¹Service 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 16, 2013.

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

-----X
Doris Beverly Burton,

Plaintiff-Appellant,

-against-

Dr. Elena Vezza Physician, P.C., et al.,

Defendants-Respondents.
-----X

M-1383
Index No. 303349/09

Appeals having been taken from an order and a judgment of the Supreme Court, New York County, entered on or about December 14, 2011 and on or about December 30, 2011, respectively,

And defendants-respondents having renewed their motion to strike plaintiff-appellant's reply brief,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Fawwaz Ali,
Plaintiff-Appellant,

-against-

M-1563

Index No. 112384/11

Blair Efron, et al.,
Defendants-Respondents.

-----X

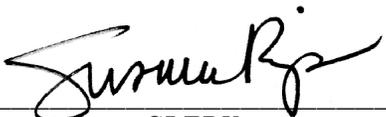
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 2, 2012, and said appeal having been perfected,

And defendant-respondent, Abbylara Service, Corp., having moved for an order directing the Clerk of this Court to immediately transfer the original file to the Clerk of the Suffolk County Supreme Court, or to immediately transfer the original file back to the Clerk of New York County Supreme Court for immediate transfer to Suffolk County Supreme Court,

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

Ordered that the motion is denied without prejudice to defendant-respondent making a request directly to this Court's Clerk's Office seeking to expedite the transfer of the New York County Supreme Court file once a decision is rendered on 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 April 16, 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
Peter J. Amador,
Petitioner,

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

M-953
M-1409
Index No. 110574/11

-against-

Raymond Kelly, etc., 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, New York County, entered on or about January 30, 2012,

And respondents having moved to strike petitioner's appendix and to adjourn the transferred matter, and for related relief (M-953),

And petitioner having cross-moved to deny respondents' motion to strike petitioner's appendix, and for leave to proceed as a poor person (M-1409),

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 directing respondents to serve and file a supplemental appendix, if so advised, on or before August 7, 2013 for the September 2013 Term (M-935), to which Term the proceeding is adjourned. Petitioner is directed to physically excise pages A-386 through A-395 from appellant's appendix on or before July 8, 2013, and the cross motion is otherwise denied (M-1409).

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 16, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische, Justices.

-----X
Laura Ford,
Plaintiff-Respondent,

-against-

M-959
Index No. 20088/07

The City of New York and The New York City Department of Education,
Defendants.

-----X
The City of New York and The New York City Department of Education,
Third Party-Plaintiffs,

-against-

Third Party
Index No. 42067/09

Bronx Organization for the Learning Disabled,
Third-Party Defendant.

-----X
The City of New York,
Second Third-Party Plaintiff,

-against-

Second Third Party
Index No. 42061/10

163rd Street Improvement Council, Inc.,
Second Third-Party Defendant-Appellant.

-----X
163rd Street Improvement Council, Inc.,
Third Third-Party Plaintiff-Appellant,

-against-

Third Third Party
Index No. 84099/10

Bronx Organization for the Learning Disabled.
Third Third-Party Defendant.

-----X

Second third-party defendant-appellant/third third-party 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 April 27, 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 appeal to the December 2013 Term.

ENTER:


CLERK