

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

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

-----X

Daniel Kumi,
Plaintiff-Appellant,

-against-

M-3230X
Index No. 303667/11

Jay W. Watson,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 12, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 12, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 August 13, 2013.

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

-----X
The Blackstone Group, L.P.,
Plaintiff-Respondent,

-against-

Taro Pharmaceutical Industries Ltd.,
Defendant-Appellant.
-----X

M-3364X
Index No. 650581/11

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 8, 2013 and from the order of said Court entered on or about January 31, 2013, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 August 13, 2013.

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

-----X
Thomas Schweizer, et al.,
Plaintiffs-Respondents,

-against-

11 West 42 Realty Investors, LLC,
et al.,
Defendants-Appellants.

M-3446X
Index No. 114236/08

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

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 22, 2013 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 24, 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 August 13, 2013.

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

-----X

Harper Investments, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-3385X
Index No. 650998/11

Harper-Kilgore, LLC, et al.,
Defendants-Respondents.

-----X

Consolidated appeals having been taken from the orders of the Supreme Court, New York County, entered on or about February 28, 2012 (mot. seq. no. 003) and March 23, 2012, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 24, 2013, and due deliberation having been had thereon,

It is ordered that the consolidated appeals 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 August 13, 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-3042
Ind. No. 3899/01

Joseph Bronaugh,
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 August 7, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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.

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 August 13, 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-3044
Ind. No. 5299/10

Donnell Baines,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 1, 2013, 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.

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 August 13, 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-3045
Ind. No. 4763/11

Angel D. Caquias,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 25, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 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-3046
Ind. No. 4758/11

Rodney Dunbar,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 24, 2013, 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.

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 August 13, 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,
Respondent,

-against-

M-3047
Ind. No. 484/99

Camillo Douglas, also known as
Douglas Camillo,
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, Bronx County, rendered on or about April 16, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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.

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 August 13, 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-3048
Ind. No. 1565/04

Anthony Ortega,
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 April 5, 2013, 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 with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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.

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 August 13, 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-

Kurt Scott, also known as Adrian Scott,
Defendant-Appellant.

M-3049
Ind. No. 464/10
Case No. 82502C/09

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 26, 2013, 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.

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 August 13, 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,
Respondent,

-against-

M-3050
Ind. Nos. 867/13
330/12

Tamek Skinner, also known as
Tameek Skinner,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 23, 2013, 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.

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 August 13, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-2893
Ind. No. 3818/10

Jesus Jimenez,
Defendant-Appellant.

-----X
Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 20, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Judith J. Gische
Darcel D. Clark, Justices.

-----X

In re Stanley S. Lasdon,
Deceased.

- - - - -
In re Jeffrey S. Lasdon,
Petitioner-Appellant-Respondent,

M-2653
File No. 703A/93
703B/93

Michael B. Abrams, et al.,
Objectants-Respondents-Appellants.

-----X

Objectants-respondents-appellants 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 April 11, 2013 (Appeal Nos. 9770-9770A),

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 August 13, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
David B. Saxe, Justices.

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

-against-

M-2255
Ind. No. 2593/05

Dwight Furet, also known as Ira
Morsby,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 8, 2008 (Appeal No. 2492), unanimously affirming a judgment of the Supreme Court, New York County (John Cataldo, J.), rendered on May 5, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 August 13, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-2271
Ind. No. 4515/08

Osiris Marte,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 4, 2012 (Appeal No. 8199), unanimously affirming a judgment of the Supreme Court, New York County (Daniel P. Fitzgerald, J.), rendered on October 20, 2009,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 August 13, 2013.

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

-----X
Cherly P.,
Petitioner-Respondent,

-against-

M-2995
Docket No. O-06304/11

Clinton F.,
Respondent-Appellant.
-----X

Steven N. Feinman, Esq., assigned counsel for petitioner-respondent, having moved for leave to withdraw the appeal from the order of the Family Court, Bronx County, entered on or about February 7, 2012, and to be relieved 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, assigned counsel is relieved, and the appeal is deemed withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Karla Moskowitz
Judith J. Gische, Justices.

-----X
1414 Holdings, LLC,
Plaintiff-Respondent,

-against-

M-2896
Index No. 652290/12

BMS-PSO, LLC,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 7, 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 November 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 August 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische, Justices.

-----X
National Financial Partners Corp.,
et al.,
Petitioners-Respondents,

-against-

M-3013
Index No. 651809/12

Steven H. Delott, and Delott Management,
LLC,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 5, 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 November 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 August 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X
Morpheus Capital Advisors LLC,
Plaintiff-Appellant,

-against-

M-2813
Index No. 650335/09

USB AG, et al.,
Defendants-Respondents.
-----X

Defendant-respondent USB Real Estate Securities, Inc. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 12, 2013 (Appeal No. 7029-7030),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

Was the order of this Court, which modified the order of the Supreme Court, properly made?

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. (See M-3251, 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 August 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

-----X

Morpheus Capital Advisors LLC,
Plaintiff-Appellant,

-against-

M-3251
Index No. 650335/09

USB AG, et al.,
Defendants-Respondents.

-----X

Defendant-respondent USB Real Estate Securities, Inc., having moved for leave to file a limited reply brief in connection with the prior filed motion for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 12, 2013 (Appeal No. 7029-7030),

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 (See M-2813, 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 August 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1883
Ind. No. 1550/93

Eugene Sidney,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on January 16, 1997 (Appeal No. 59599),

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 August 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman, Justices.

-----X
The People of the State of New York
ex rel. David Carreras,

Petitioner,

-against-

M-1755
Ind. No. 3232/12

Dora Schriro, etc., et al.,

Respondent.
-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, and related relief,

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

Ordered that the motion is denied.

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 August 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
David B. Saxe, Justices.

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

-against-

M-5006
Ind. No. 5210/99

Danillo Maldonado,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on (Appeal No. 4288), unanimously affirming a judgment of the Supreme Court, Bronx County (Phylis Skloot Bamberger, J.), rendered on April 13, 2001,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 August 13, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische, Justices.

-----X
Eugene Tenenbaum,
Plaintiff-Appellant,

Pursuant to §87 of the Private Housing Finance Law, M-3073A

-against-

State Commissioner of Housing and Community Renewal,
Defendant-Respondent.
-----X

An order of this Court having been entered on May 21, 2009 (M-1908), dismissing an appeal taken by plaintiff from an order of the Supreme Court, New York County, entered on or about March 20, 2009,

And an order of this Court having been entered on August 11, 2009 (M-3100) vacating the aforesaid order of this Court entered on May 21, 2009 (M-1908), and reinstating plaintiff's appeal and directing plaintiff to perfect said appeal for the December 2013 Term,

And plaintiff-appellant having moved for an order vacating the aforesaid order of this Court entered on May 21, 2009 (M-1908) which dismissed plaintiff's appeal, and granting leave to prosecute, as a poor person, the appeal from the order of Supreme Court, New York County, entered on or about March 26, 2013, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that plaintiff-appellant serves one copy of such brief upon the attorney for defendant-respondent and file 8 copies of such brief, together with the original record, with this Court. Plaintiff-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks to vacate the prior order of this Court dismissing plaintiff's appeal is denied as academic (see the order of this Court entered on August 11, 2009 [M-3100]). Sua sponte, the time to perfect the appeal is enlarged to the November 2013 Term. The order of this Court entered on July 2, 2013 (M-3073) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-2545
Ind. Nos. 4892N/11
5588N/10
4689N/10

Damon Flagg,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 reproduced 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 August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-3247
Ind. No. 1301/12

Frederick Delacruz,
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 April 9, 2013, 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 as 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-3112
Ind. No. 2914/08

James Frey,
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 (Michael Obus, J.), entered on or about June 3, 2013, 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 Obus 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 August 13, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

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

-against-

M-3256
Index. No. 300114/08

Rasheem S.,
Respondent-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 11, 2012,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. 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.

Andrea Risoli, Esq., 954 Lexington Avenue, Suite 143, New York, NY 10021, Telephone No. (917) 446-2955, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged the November 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 August 13, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

Navendra Ramudit,
Defendant-Appellant.

M-2266
Ind. No. 3870/09
Case No. 59404C/09

-----X

Defendant-appellant pro se having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of trial counsel, or in the alternative, for an extension of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on October 12, 2011, 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, Tel. 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. 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 August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

M-2840
Ind. No. 2090/10

Christopher Montanez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 5, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to post the \$20,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of 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 August 13, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2808
Ind. No. 4710/06

Warren Thomas,

Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 29, 2010, having moved for leave to file a pro se supplemental brief,

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

It is ordered that the motion is denied, as premature.

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 August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
The United States Life Insurance
Company in the City of New York,
Plaintiff-Appellant,

-against-

M-3114
Index No. 601212/08

Rebeka Blumenfeld, 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 May 4, 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 November 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 August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
Saul Gabriel Rivera, an infant by his
Father and Natural Guardian Saul
Rivera and Saul Rivera, Individually,
Plaintiffs-Appellants,

-against-

M-3186
Index No. 350505/09

The Roman Catholic Church of St.
Helena, St. Helena School and
Archdiocese of New York,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about September 13, 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 November 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 August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Marta Jimenez,
Plaintiff-Appellant,

-against-

M-3007
Index No. 116202/09

Jose M. Camilo and Jose E. Camilo,
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 August 13, 2012 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
Margaret Diver and James Diver,
Plaintiffs-Respondents,

-against-

M-3057
Index No. 107206/09

The Port Authority of New York &
New York, et al.,
Defendants-Respondent,

Modern Facilities Services, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 23, 2012 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
Fidelity National Title Insurance
Company,
Plaintiff-Appellant,

-against-

M-3236
Index No. 650727/12

NY Land Title Agency LLC, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 21, 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
In the Matter of a Probate Proceeding,
Will of Dorothy K. Mendelson,
Deceased.

- - - - -
Jonathan Mendelson,
Objectant-Appellant,

M-3269
Surrogate's Court
File No. 4348/09

Barbara Miller and William Kass,
Executors-Respondents.

-----X

Objectant-appellant having moved for an enlargement of time to perfect the appeal from a decree of the Surrogate's Court, New York County, entered on or about April 26, 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X

In the Matter of an Application
of Rita Morgan, as Administrator
of Jewish Home Lifecare - Bronx
Division,

Petitioner-Respondent,

For an Appointment of a Guardian
for Anna Pacheco,

An Incapacitated Person,

Charles Rochester,
Respondent-Appellant.

-----X

M-2554

M-2799

Index No. 91832/12

Respondent-appellant, Charles Rochester, having moved pro se by separate motions for leave to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about March 28, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief (M-2554), and for a stay of the aforesaid order of the Supreme Court entered on or about March 27, 2013 pending hearing and determination of the aforesaid appeal (M-2799),

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

It is ordered that the motions are denied.

ENTER:


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 August 13, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X
Maria Pilar Bustos, et al.,
Plaintiffs-Respondents,

-against-

M-2863
Index No. 107925/04

Lenox Hill Hospital,
Defendant-Appellant,

Pedro Segarra, M.D., et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for reargument of or, leave to appeal to the Court of Appeals from, the decision and order of this Court entered on April 16, 2013 (Appeal No. 9333),

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

It is ordered that the motion, to the extent that it seeks reargument, is denied.

It is ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 August 13, 2013.

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

-----X
Cadlerock, L.L.C.,
Plaintiff-Appellant-Respondent,

-against-

M-2789
Index No. 105570/08

Jan Z. Renner,
Defendant-Respondent-Appellant.
-----X

Defendant-respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 9, 2013 (Appeal No. 9750),

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 August 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
The People of the State of New York
ex rel. Edgar Valette,
Petitioner,

M-3031

-against-

Bruce Yelich, Superintendent of
Bare Hill Correctional Facility,
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, 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 habeas corpus proceeding herein is transferred to the Supreme Court of the State of New York, Franklin County, 355 West Main Street, Malone, New York 12953, for hearing or other appropriate action.

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 August 13, 2013.

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

-----X
Front, Inc.,
Plaintiff-Respondent-Appellant,

-against-

Philip Khalil, et al.,
Defendants-Appellants-Respondent.

M-1577
Index No. 111597/11

- - - - -
Philip Khalil,
Third-Party Plaintiff-Appellant,

-against-

Jeffrey A. Kimmel, et al.,
Third-Party Defendants-Respondents.

-----X

Defendants-appellants-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 February 14, 2013 (Appeal No. 9252),

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 August 13, 2013.

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

-----X

Luis Casas, etc.,
Plaintiff-Respondent,

-against-

M-2393
M-2877
Index No. 115106/04

Consolidated Edison Company of
New York, Inc.,
Defendant-Appellant.

-----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 April 9, 2013 (Appeal No. 9744) [M-2393],

And defendant-appellant having moved separately for the aforesaid relief [M-2877],

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

It is ordered that the motions are denied [M-2393/M-2877].

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 August 13, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

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

-against-

M-2907
Ind. No. 1198/12

Ruddy Gutierrez,
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 March 19, 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 deeming the moving papers a timely filed notice of 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 August 13, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

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

-against-

M-2888
Ind. No. 461/08

David Marrero,
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 March 8, 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 to the extent of deeming the notice of appeal timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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 August 13, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

-----X
291 Broadway Realty Associates,
also known as 291 Broadway Realty
Associates, LLC, et al.,
Plaintiffs-Appellants,

-against-

Weather Wise Conditioning Corp.,
et al.,
Defendants-Respondents.

M-2868
Index No. 702513/08

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 24, 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 November 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 August 13, 2013.

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

-----X
In the Matter of the Application of
Mary Craig,
Petitioner,

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

M-3096
Index No. 402492/11

-against-

New York City Housing Authority,
Respondent.

-----X
An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 11, 2012,

And an order of this Court having been entered on May 23, 2013 (M-1293), granting respondent's motion to dismiss the aforesaid proceeding for failure to timely perfect,

And petitioner having moved for an enlargement of time to perfect the aforesaid 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 denied, as academic.

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 August 13, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

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

-against-

M-2867
Ind. No. 1645/07

Paul Simmons,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 29, 2010,

And counsel for defendant-appellant having moved for an order enlarging the record on appeal to include certain pretrial calendar calls as set forth in detail in the motion papers and accompanying affirmation in support thereof, for use under Ind. No. 1645/07,

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 defendant-appellant is directed to file 9 copies of a supplemental record containing the aforementioned pretrial calendar calls, forthwith. If not already transcribed, the Court Reporter is directed to promptly make and file with the Criminal Court stenographic minutes, if any, of the aforesaid pretrial calendar calls, and furnish same to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

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

-----X

Melissa C.D.,
Plaintiff-Respondent,

-against-

Rene I. D.,
Defendant-Appellant.

M-5951A

Index No. 313679/10

- - - - -

Carol L. Kahn, Esq.,
Attorney for the Child T.D.

Shirim Nothenberg, Esq.,
Lawyers for Children, Inc.,
Attorneys for the Children S.D.
and P.D.,
Appellants-Respondents.

-----X

Carol L. Kahn, Esq., having moved on the subject child's behalf for leave to respond, as a poor person, to the appeals from the order of the Supreme Court, New York County, entered on or about November 9, 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 Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, as counsel for purposes of responding to the appeals; (2) permitting movant to respond to the appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (The order of this Court entered on January 24, 2013 [Corrected Order June 5, 2013] [M-5951], is hereby recalled and vacated.) (See M-2502 and M-3327/M-3297/M-3411, 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 August 13, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Melissa C.D.,
Plaintiff-Respondent,

-against-

Rene I. D.,
Defendant-Appellant.

M-2502
Index No. 313679/10

- - - - -
Carol L. Kahn, Esq.,
Attorney for the Child T.D.,

Shirim Nothenberg, Esq., Lawyers for
Children, Inc.,
Attorney for the Children S.D.
and P.D.,
Respondents-Appellants.

-----X

Lawyers for Children, Inc., (Shirim Nothenberg, Esq., of Counsel), having moved on behalf of the subject children, S.D. and P.D., for leave to prosecute, as poor persons, their appeal taken from the order of the Supreme Court, New York County, entered on or about November 9, 2012, 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 Lawyers for Children, Inc., (Shirim Nothenberg, Esq., of Counsel) 110 Lafayette Street, 8th Floor, New York, NY 10013, Telephone No. (212) 966-6420, is assigned as counsel for purposes of prosecuting the appeals on behalf of the aforesaid subject children. Respondents-appellants are permitted to prosecute the appeal upon the original record and upon a

reproduced respondents' brief on condition that respondents-appellants serve one copy of such brief upon the attorney for the defendant-appellant and file 8 copies of such brief, together with the original record, with this Court. Respondents are permitted to dispense with payment of the required fee for the subpoena and filing of the record. (See M-5951A and M-3327/M-3297/M-3411, 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 August 13, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Melissa C.D.,
Plaintiff-Respondent,

-against-

Rene I. D.,
Defendant-Appellant.

M-3327
M-3297
M-3411

- - - - - Docket No. 313679/10

Carol L. Kahn, Esq.,
Attorney for the Child T.D.,

Shirim Nothenberg, Esq., Lawyers for
Children, Inc.,
Attorney for the Children S.D.
and P.D.,
Respondents-Appellants.

-----X

An appeal having been taken by defendant-appellant father from an order of the Supreme Court, New York County, entered on or about November 9, 2012, and said appeal having been perfected,

And an appeal having been taken by the subject children, S.D. and P.D., from the same order of said Supreme Court,

And defendant-appellant father having moved for an enlargement of time to perfect his appeal, and to extend the stay of enforcement granted by an order of this Court entered on December 20, 2012 (M-5124/5124A), pending hearing and determination of his appeal [M-3327],

And the subject children, S.D. and P.D., having moved for the same relief, and for a waiver of any fees associated with their appeal [M-3297],

And plaintiff-respondent having cross-moved to disqualify subject children's counsel, Lawyers for Children, Inc., from any further participation in this action, and to obtain certain attorney's fees from defendant-appellant father [M-3411],

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

Ordered that motions by subject children (M-3297) and defendant-appellant father are granted to the extent of continuing the stay of enforcement granted by the order of this Court entered on December 20, 2012 (M-5124/M-5124A), pending hearing and determination of the respective appeals, and enlarging the subject children S.D. and R.D.'s time to perfect their respective appeal to the December 2013 Term, to which Term the perfected appeal by defendant-appellant is adjourned; the motion by the subject children for a waiver of costs and fees is denied as unnecessary (See M-2502 released simultaneously herewith.), the motion of defendant-appellant father (M-3327), to the extent it seeks an enlargement of time to perfect is denied, as unnecessary, and the motions are otherwise denied [M-3327 and M-3297]. Plaintiff-respondent's cross motion is denied [M-3411]. (See M-2502 and M-5951A, 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 August 13, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Lenora Crandell,
Plaintiff-Appellant,

-against-

M-2617
Index No. 17421/05

New York City Transit Authority,
et al.,
Defendants-Respondents.
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about July 23, 2012, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

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 August 13, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

-against-

M-2878
Ind. No. 5525/12

Jose Hernandez,
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 9, 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 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 August 13, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

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

-against-

M-2998
Ind. No. 2532N/10

Francisco Antonio Cabrera Perez,
also known as Francisco Cabrera Perez,
also known as Peluche, also known as
J.D.,

Defendant.

-----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 December 2, 2010, 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. (CPL 460.30[1])

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 August 13, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

In Re: New York City Asbestos Litigation

-----X

Ruby Konstantin, Individually and as
Executrix of the Estate of Dave John
Konstantin, deceased,
Plaintiff-Respondent,

-against-

M-3136

M-3105

Tishman Liquidation Corporation,
Defendant-Appellant.

Index No. 190134/10

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 26, 2012, and an appeal having been taken from the judgment of the aforesaid Court entered on or about November 28, 2012,

And defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 26, 2012 (mot. seq. no. 006) [M-3136],

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal taken from the order entered on or about September 26, 2012 as subsumed in the appeal from the aforesaid judgment entered on or about November 28, 2012 [M-3105],

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 for an enlargement of time to perfect the appeal is denied as unnecessary [M-3136]. The cross motion to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about September 26, 2012 is granted, and the aforesaid appeal from the order entered on or about September 26, 2012 is dismissed as subsumed by the judgment of said Court entered on or about November 28, 2012 [M-3105].

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 August 13, 2013.

Present: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Francisco Medina,
Defendant-Appellant.

M-5863

M-6013

Ind. Nos. 5046/86
10623/90

-----X

An order of a Justice of this Court having been entered on September 4, 2012 (M-3178), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about June 20, 2012 (N.Y. County Indictment No. 10623/90),

And an order of a Justice of this Court having been entered on November 29, 2012 (M-2688), granting defendant leave to appeal to this Court from the order of the Supreme Court, Bronx County, entered on or about April 30, 2012 (Bronx County Indictment No. 5046/86),

And an order of this Court having been entered January 22, 2013 (M-4965) granting defendant leave to prosecute as a poor person the aforesaid appeal from the order entered on or about June 20, 2012 (New York County Indictment No. 10623/03) and assigning Steven Banks, Esq., as counsel,

And defendant having moved pro se for leave to prosecute, as a poor person, the aforesaid appeal from the order of the Supreme Court entered on or about April 30, 2012 (Bronx County Indictment No. 5046/86), for leave to have said appeal heard upon the original record and a reproduced appellant's brief, for the assignment of counsel, and for related relief [M-5863],

And defendant having separately moved pro se for consolidation of the aforesaid appeals taken from the aforesaid orders of the Supreme Court entered on or about April 30, 2012 and on or about June 20, 2012 [M-6013],

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

Ordered that defendant's motion for poor person relief (M-5863) is granted to the extent of permitting the appeal from the aforesaid order entered April 30, 2012 (Bronx Indictment No. 5046/48) 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 related to the aforesaid order appealed and any held pursuant to CPL §210.20, Arts. 710 and 730. 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. Defendant's motion for consolidation (M-6013) 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 August 13, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

In re Patricia Benjamin,
Petitioner-Appellant,

-against-

M-3107
Index No. 104905/11

New York City Board/Department
of Education,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 30, 2013 (Appeal No. 9922),

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 August 13, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3285
Ind. No. 1016/12

Phillip Ward,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 5, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100,, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3371
Ind. No. 3209/11

Elsie Detres-Perez,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 31, 2012 (M-2616), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 3, 2012, and assigning Robert S. Dean, 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 Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven A. Feldman, Esq., 626 EAB Plaza, West Tower, 6th Floor, Uniondale, New York 11556, Tel. No. (516) 522-2828, 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 August 13, 2013.

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

-----x
Victor R. Pantojas,
Plaintiff-Appellant,

-and-

David Galindez, M-3255
Plaintiff, Index No. 301865/10

-against-

Lajara Auto Corp., et al.,
Defendants-Respondents.

-----x

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 August 29, 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 November 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 August 13, 2013.

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

-----X
Abdo Muzib,
Plaintiff-Respondent,

-against-

M-3314
Index No. 104172/08

The City of New York,
Defendant,

-and-

Bank of America, NA, et al.,
Defendants-Appellants.

-----X
Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 27, 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 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 August 13, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Brian K. Williams,

Plaintiff-Respondent,

-against-

M-3377

Index No. 8006/07

Irina Belova,

Defendant,

-against-

America's Wholesale Lender,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 6, 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

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

-----X

Lisa J. Weksler, etc.,
Plaintiff-Respondent,

-against-

M-3468

Index No. 603288/07

Joseph Weksler, etc., et al.,
Defendants-Appellants,

Mitchell D. Hollander, Esq.,
et al.,
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 30, 2012 (mot. seq. no. 015),

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 August 13, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Zachary Towbin, as Trustee under
Article III of the New York Apartment
GRIT Agreement dated April 23, 1996,
Plaintiff-Appellant,

M-3501
Index No. 653370/11

-against-

Robert Towbin, Lisa Towbin and 1010
Tenants Corp.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about October 4, 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of
Alicia Fantauzzi,
Petitioner,

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

-against-

M-3552
Index No. 402893/11

New York State Division of Human Rights,
Beach Lane Management, Inc. and 634
Nick Partner, LP,
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 July 17, 2012,

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding on or before September 3, 2013 for the November 2013 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Honoraria Caicedo by her Guardian
ad Litem Roberto A. Ferreira,
Plaintiff-Appellant,

-against-

M-3188
Index No. 300379/08

Janet Sanchez, M.D.,
Defendant-Respondent.

- - - - -

[And a third-party action]

-----X

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 August 27, 2012, and to enlarge the record on appeal to include certain deposition 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 granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
432 East 11th Street Corp., et al.,
Plaintiffs-Appellants,

-against-

M-3576
Index No. 109308/05

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

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 3, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2013 Term, with no further enlargements to be granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

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

-----x

Thermwell Products, Inc.,

Plaintiff-Appellant,

-against-

M-3495

Index No. 112195/11

Nitto Denko America, Inc., et al.,

Defendants-Respondents.

-----x

Consolidated appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about April 12, 2012 and December 31, 2012, respectively,

And plaintiff-appellant 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 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 August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Melvin Dubinsky,
Petitioner-Appellant,

For Permission to Serve a late Notice of Claim Nunc Pro Tunc on
The City of New York,
Respondent-Respondent.

M-3442
Index No. 108600/11

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about December 20, 2011,

And an order of this Court having been entered on April 25, 2013 (M-713), granting an enlargement of time to perfect the appeal to the September 2013 Term, and otherwise denying the motion with respect to the request for leave to amend the record on appeal and other relief,

And petitioner-appellant having moved for clarification of this Court's order entered on April 25, 2013 (M-713), 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 to the extent of enlarging the time to perfect the appeal to the December 2013 Term, with no further enlargements to be granted, and the motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3307
Ind. No. 5108/08

Elvis Nuñez,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 30, 2010, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 4, 2013 for the January 2014 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

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

-----x
In the Matter of the Application of
Nicole Clemons,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-3494
of the CPLR, Index No. 402649/11

-against-

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

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about July 10, 2012, and said appeal having been perfected,

And an order of this Court having been entered on November 8, 2012 (M-3737), inter alia, granting petitioner-appellant leave to prosecute the appeal as a poor person,

And petitioner-appellant having moved for a stay of eviction proceedings pending hearing and determination of the appeal, and for poor person 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 staying any eviction proceedings pending hearing and determination of the appeal, and otherwise denied, as moot, poor person relief having been afforded by this Court's order entered November 8, 2012 (M-3737).

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 August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Avi Dishi, et al.,

Plaintiffs-Respondents,

-against-

M-3614
Index No. 650380/12

Federal Insurance Company,
Defendant,

-and-

Goodhart National Gorman Agency,
Inc. and Michael Berr,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 22, 2013,

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 August 13, 2013.

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

-----X
1414 Holdings, LLC,

Plaintiff-Appellant/Respondent,

-against-

BMS-PSO, LLC,

Defendant-Respondent/Appellant.
-----X

M-3298
Index No. 652290/12

Appeals having been taken by plaintiff landlord from orders of the Supreme Court, New York County, entered on or about May 30, 2013, June 4, 2013 and June 17, 2013, respectively, and said appeals having been perfected on a single record,

And an appeal having been taken to this Court by defendant tenant from the order of said Court entered on or about September 7, 2012 (mot. seq. no. 003),

And an order of this Court having been entered simultaneously herewith (M-2896) granting defendant-respondent/appellant an enlargement of time to perfect its appeal from the aforesaid order entered September 7, 2012 to the November 2013 Term,

And plaintiff landlord having moved for a stay or vacatur of a temporary restraining order granted to defendant tenant, for preference in hearing of the appeals, and/or 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. Sua sponte, the perfected appeals are adjourned to the November 2013 Term and the Clerk is directed to calendar the perfected appeals taken by plaintiff landlord and the unperfected appeal taken by defendant tenant for hearing together in the November 2013 Term, in the event the defendant tenant's appeal is perfected for said 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 August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
Alterra America Insurance Co.,
Plaintiff-Respondent, Action No. 1

-against- M-3508
Index No. 652813/12

National Football League and NFL
Properties,
Defendants-Appellants,

TIG Insurance Company, et al.,
Defendants-Respondents,

Century Indemnity Company, et al.,
Defendants.

-----x
Discover Property & Casualty Company,
et al.,
Plaintiffs, Action No. 2

-against- Index No. 652933/12

National Football League, et al.,
Defendants.

-----x

Appeals having been taken to this Court by defendants-appellants from orders of the Supreme Court, New York County, entered on or about April 4, 2013, March 19, 2013 and March 18, 2013 (Action No. 1 Index No. 652813/12), and from an order of the same Court and Justice entered on or about March 19, 2013 (Action No. 2 Index No. 652933/12), respectively,

And defendants-appellants 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 to the extent of permitting appellants to prosecute the aforesaid appeals upon 9 copies of one record and one set of appellants' points covering the appeals.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Stanley Cohen,
Plaintiff-Respondent/Appellant,

-against-

M-3394
Index No. 303123/09

Pauline Cohen,
Defendant-Appellant/Respondent.

-----X

An order of this Court having been entered on December 27, 2012 (M-4804), inter alia, consolidating 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 an order of this Court having been entered on April 16, 2013 (M-1176), enlarging the time to perfect the aforesaid consolidated appeals to the September 2013 Term,

And defendant-appellant having moved to consolidate the aforesaid consolidated appeals with an appeal and a cross appeal from the final judgment of divorce of the Supreme Court, New York County, entered on or about May 9, 2013, and with the appeal from the order of said Court entered on or about May 3, 2013, and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of consolidating the appeals and cross appeal taken from the aforesaid final judgment and from the order of the Supreme Court, New York County, entered on or about May 3, 2013 with the previously consolidated appeals and enlarging the time to perfect same for the January 2014 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 August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Julian Raul S.,
Oscar Innacio S., and
Ameliana Maria S.,

M-3239
Docket Nos. B-3691/11
B-3692/11
B-3693/11

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

- - - - -
Catholic Guardian Society & Home
Bureau,
Petitioner-Respondent,

Oscar S.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered on December 27, 2012 (M-4808), granting respondent-appellant father leave to prosecute as a poor person, the appeal taken from the order of the Family Court, New York County, entered on or about September 21, 2012, and assigning Lewis S. Calderon, Esq., as counsel on said appeal, and said appeal having been perfected,

And an order of this Court having been entered on May 16, 2013 (M-1969), granting respondent-appellant father leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about December 20, 2012, and assigning Lewis S. Calderon, Esq., as counsel, on said appeal, with related relief,

And respondent-appellant father having moved for consolidation of the aforesaid appeals, or for related relief,

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

Ordered that the motion is granted to the extent of directing the Clerk of this Court to calendar the aforesaid appeals for hearing together, and otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
In re: New York City Asbestos Litigation

| | |
|----------------------------|----------------------|
| Frank Kestenbaum, et al., | M-3619 |
| Plaintiffs-Respondents, | Index Nos. 190143/11 |
| | 190321/11 |
| -against- | 190399/11 |
| | 190436/11 |
| Durez Corporation, et al., | |
| Defendants-Appellants. | |

-----x

Defendants-appellants having moved for preference in hearing of the appeal from the order of the Supreme Court, New York County, entered on or about May 15, 2013, and said appeal having been perfected,

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

It is ordered the motion is granted to the extent of directing the Clerk of this Court to calendar the appeal for hearing on the earliest feasible date during 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 August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x

Alyce Sapp, et al.,
Plaintiffs-Respondents,

-against-

M-3771
Index No. 450677/13

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

-----x

Defendants-appellant having moved for preference in hearing of the appeal from the order of the Supreme Court, New York County, entered on or about May 15, 2013, 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 the motion is granted to the extent of directing the Clerk of this Court to calendar the appeal for hearing during the September 2013 Term, and otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 13, 2013.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
John Devadas and Saramma Devadas,
Plaintiffs-Respondents-Appellants,

-against-

M-3492
Index No. 107637/07

Kevin Niksarli, M.D., Newsight Laser
Center, PLLC,
Defendants-Appellants-Respondents.
-----X

An appeal and cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 12, 2011,

And plaintiffs-respondents-appellants having moved for an order striking certain portions of defendants-appellants-respondents brief,

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

Ordered that the motion is granted to the extent of striking pages 90 to 94 of defendants-appellants-respondents' brief, without prejudice to further proceedings in the Supreme Court with respect to the issue of the New York City Marshal's poundage fees in question.

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 August 13, 2013.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
The People of the State of New York
ex rel. Wayne James,
Petitioner-Respondent,

-against-

M-3613
Index No. 341089/11

Warden, etc., et al.,
Respondents-Appellants.

-----X

Respondent-appellant Warden having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 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 December 2013 Term.

ENTER:



CLERK

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-1734
Ind. No. 8054/93

-against-

CERTIFICATE
DENYING LEAVE

Ron Summers,

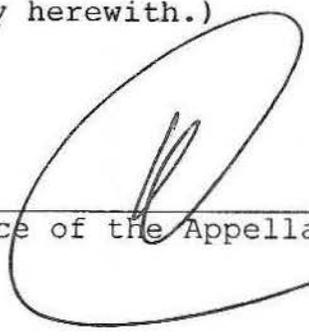
Defendant.

-----X

I, Richard T. Andrias, 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 Section 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, (Steven Barrett, J.), entered on or about February 13, 2013, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

(See M-1369, decided simultaneously herewith.)

Dated: New York, New York
June 28, 2013


Justice of the Appellate Division

ENTERED

AUG 13 2013

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

BEFORE: Hon. Richard T. Andrias
Justice of the Appellate Division

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

Respondent,

M-2015

Ind. No. 4725/07

-against-

Lamar Platt,

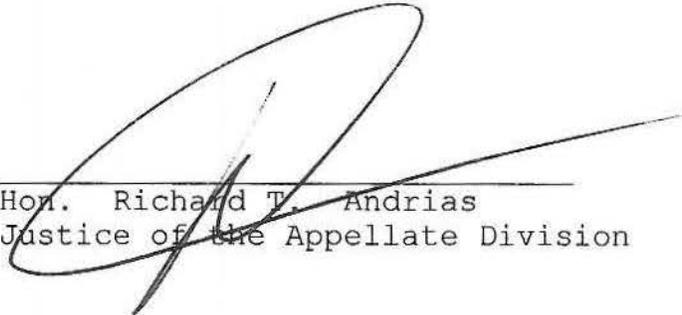
Defendant.
-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, New York County, entered on or about November 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 granting defendant leave to file the certificate within 60 days from the date of entry hereof.

Dated: New York, New York
June 28, 2013



Hon. Richard T. Andrias
Justice of the Appellate Division

ENTERED

AUG 13 2013