

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

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

-----X
Robert McGuire and Marguerite McGuire

Plaintiffs-Respondents,

-against-

M-5622

Index No. 800151/11

Gregory Montalbano, M.D., et al.,

Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 25, 2013,

And defendants-appellants having moved to withdraw 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It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:


CLERK

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

ENTER:


CLERK

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

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 December 3, 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-

Ivan Diaz,

Defendant-Appellant.
-----X

M-5226
Ind. No. 2687/12
Case No. 41643C/12

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 25, 2013, and for leave to prosecute the appeal as a poor person, 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 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) one transcript 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

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

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

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 December 3, 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-4635
SCID No. 30116/13

Mark Carey,
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 (Ferrara, J.), entered on or about July 18, 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) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Ferrara as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg, 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 December 3, 2013.

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

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

-against-

M-5663
Ind. No. 11410/88

Larry Johnson,
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 (Mandelbaum, J.), entered on or about September 30, 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) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Mandelbaum 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 December 3, 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-5240
Ind. No. 4006/06

Julio Genao Alba,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 26, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-4961
Case No. 21365C/11

Federico Perez,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 12, 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 April 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 December 3, 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-

Derrell Blue,
Defendant-Appellant.

M-5284
DC #15
Ind. No. 5192/09

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 13, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect, without prejudice to a motion for a further enlargement of time to perfect, if so advised.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Robert Camarano,
Defendant-Appellant.

M-5292
DC #23
Ind. Nos. 3914/08
2918/08

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 21, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Raymundo Garcia,
Defendant-Appellant.

M-5330
DC #58
Ind. No. 1050/07

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 29, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Oman Gutierrez,
Defendant-Appellant.

M-5341
DC #62
Ind. No. 1381/09

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Pedro Jimenez,
Defendant-Appellant.

M-5357
DC #78
Ind. No. 2314/10

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 12, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect, with leave to seek a further enlargement of time to perfect if so advised.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-5362
DC #83
Ind. No. 577/12

Urselina King,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 14, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

William Lane, also known as Gary Rice,
Defendant-Appellant.

M-5363
DC #84
Ind. No. 3671/09

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about December 6, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Habiyb Mohammed, also known as
Sunny Black,
Defendant-Appellant.

M-5381
DC #100
Ind. No. 89/11

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 12, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Jermaine Murphy,
Defendant-Appellant.

M-5394
DC #103
Ind. No. 2546N/08

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Gavin Murray,
Defendant-Appellant.

M-5395
DC #104
Ind. No. 4399/06

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about March 5, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect, with leave to seek a further enlargement of time to perfect. If so advised.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

David Powell,
Defendant-Appellant.

M-5418
DC #122
Ind. Nos. 5602/03
1077N/09

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 11, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Nolber Quinones,
Defendant-Appellant.

M-5421
DC #125
Ind. No. 5603/10

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 7, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect, with leave to seek a further enlargement of time to perfect, if so advised.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 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-

Reginald Trammell,
Defendant-Appellant.

M-5475
DC #176
Ind. No. 2796/08

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 24, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 24, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2014 Term and counsel is directed to so perfect.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

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

-against-

M-5232
Ind. No. 1463/12

Sean Thomas,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about June 25, 2013,

And an order of a Justice of this Court dated July 24, 2013 (M-3875) having granted a stay of execution and enforcement of the judgment, and admitting defendant-appellant to bail under certain travel restrictions,

And defendant-appellant having moved for an enlargement of time to perfect the appeal, and for a continuation of the stay granted by the order of a Justice of this Court dated July 24, 2013 (M-3875),

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 March 2014 Term, and the stay granted by the order of a Justice of this Court dated July 24, 2013 is continued upon the same terms and conditions as set forth therein, and upon further condition the appeal is perfected on or before December 30, 2013 for said March 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 December 3, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

In the Matter of the

Probate Proceedings, Will of
Mae Virginia Roberts,
Deceased April 16, 2005

M-5518
Index No. 2087/05

- - - - -
Tiby Saunders-Gomez,
Petitioner-Proponent-Appellant.

-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about December 5, 2011,

And petitioner-proponent-appellant, pro se, having moved for a change of venue of the above captioned proceeding, for a "stay" of the aforesaid appeal, 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 enlarging the time to perfect the appeal to the June 2014 Term, with leave to seek further enlargements, if necessary, and otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Hugh Wyatt,

Plaintiff-Appellant,

-against-

Inner City Broadcasting Corporation,

Defendant-Respondent.
-----X

M-5629

Index No. 102228/12

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 December 18, 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 April 2014 Term.

ENTER:



CLERK

And plaintiff Arie Genger having separately moved for consolidation of the aforesaid appeals and cross appeals (M-5186),

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

It is ordered that the motion is granted to the extent of permitting direct appellants to prosecute the appeals and cross appeals upon 9 copies of one record and one set of each appellants' points covering the consolidated appeals and cross appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the April 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 December 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Leland G. DeGrasse, Justices.

-----X

In re Joseph Cunningham,
Petitioner,

-against-

M-5193
Index No. 250425/13

Hon. John A. Barone, et al.,
Respondents.

-----X

Petitioner, pro se, 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 October 8, 2013 (Appeal No. 10722 [M-4337]), 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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Darcel D. Clark, Justices.

-----X
John M. Ferolito, et al.,
Plaintiffs-Respondents-Appellants,

-against-

Domenick J. Vultaggio, et al.,
Defendants-Appellants-Respondents.

M-5214
M-5722
M-5754
Index No. 600396/08

-----X
Domenick J. Vultaggio, et al.,
Counterclaim and Third-Party
Plaintiffs-Appellants-Respondents,

-against-

John M. Ferolito, et al.,
Counterclaim and Third-Party
Defendants-Respondents-Appellants.

Index No. 100568/11

-----X
In the Matter of the Application of
John M. Ferolito,
Petitioner,

For a Dissolution of Beverage Marketing
USA, Inc., a Domestic Corporation.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 25, 2013, and said appeal and cross appeal having been perfected,

And defendants having moved for an order sealing the record on appeal, and for leave to supplement the record on appeal, and for related relief (5214),

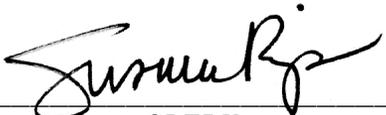
And defendants having separately moved for leave to supplement the record on appeal, and for related relief (M-5722),

And defendants having separately moved for a preference in the hearing of the aforesaid appeal and cross appeal (M-5754),

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

Ordered that defendants' motion (M-5214) is granted only to the extent of sealing the record on appeal, along with all briefs and documents, and is otherwise denied. Defendants' motion (M-5722) is denied. Defendants' motion (M-5754) is denied and, sua sponte, the appeal and cross appeal are adjourned to the February 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 December 3, 2013.

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

-----X
Elhadi Elsheikh Mohamed,
Plaintiff-Appellant, M-4907
M-5145
-against- Index Nos. 880/06
300484/12
Larry Defrin, et al.,
Defendants-Respondents.

-----X
Plaintiff-appellant having moved for an order enlarging the time to perfect the appeals from an order of the Supreme Court, Bronx County, entered on or about October 12, 2011 and from an order of the same Court entered on or about December 17, 2012, respectively, and to consolidate same, and the appeal from the order entered on or about December 17, 2012 having been perfected (M-4907),

And defendants-respondents having cross-moved to dismiss the appeal from the aforesaid order entered on or about October 12, 2011 and for sanctions (M-5145),

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 so far as it seeks an enlargement of time to perfect the appeal from the order entered on or about December 17, 2012 (Index No. 300484/12) is denied, as academic, said appeal having been perfected (M-4907). So much of the cross motion seeking dismissal of the appeal from the October 12, 2011 order (Index No. 880/06) is granted and otherwise denied, without prejudice to seeking the remainder of the relief requested directly on appeal (M-5145).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

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

-----X
In the Matter of the Application of
Thelma Jennings,
Petitioner-Respondent,

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

M-5331
Index No. 401489/12

-against-

New York City Housing Authority,
Respondent-Appellant.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 26, 2013, to review a determination of respondent,

And petitioner-respondent having moved to dismiss the 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 and the proceeding 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 December 3, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

Marco Battistella,
Plaintiff-Appellant,

-against-

M-5332
Index No. 310389/10

Marnie Ann Joyce,
Defendant-Respondent.

-----X

Defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about September 19, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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 December 3, 2013.

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

-----X
245 West 29 LLC,
Respondent,

-against-

M-5064
Index No. 155976/12

Dry Nature Designers Inc.,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about April 22, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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 December 3, 2013.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
Bhavya Shah,
Plaintiff-Appellant, Action No. 1
M-5564
-against- Index No. 107113/11

RBC Capital Markets, LLC, et al.,
Defendants-Respondents.

-----X
Bhavya Shah,
Plaintiff-Appellant, Action No. 2
-against- Index No. 151482/13

RBC Capital Markets, LLC, et al.,
Defendants-Respondents.

-----X

Separate appeals having been taken from orders of the Supreme Court, New York County, entered on or about May 9, 2013 (Action No. 1) and June 17, 2013 (Action No. 2), respectively, and said appeals having been perfected,

And defendants-respondents having moved for leave to file a supplemental record on appeal with respect to Action No. 2, and for the adjournment of the appeal,

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

Ordered that the motion is granted to the extent of directing defendants-respondents to forthwith serve and file 8 copies of a supplemental record on appeal with respect to

Action No. 2 which shall include those documents in the Proposed Supplemental Record attached as Exhibit A to the affirmation of Margaret L. Watson, Esq., submitted in support of the motion in the affirmation, and, sua sponte, adjourning the appeals under both actions to the February 2014 Term and continuing the relief granted by the order of this Court entered on November 7, 2013 (M-5058).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

-----x

Cenpark Realty, LLC,
Plaintiff-Respondent,

-against-

Ellie Gurin,
Defendant,

-and-

Adina Marmelstein,
Defendant-Appellant.

-----x

M-5094

M-5781

Index No. 105170/11

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about August 21, 2012 (mot. seq. no. 002) [M-5094],

And defendant-appellant having cross-moved for an enlargement of time to perfect the aforesaid appeal [M-5781],

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 to dismiss the appeal is granted unless the appeal is perfected for the April 2014 Term [M-5094]. The cross motion is granted to the extent of enlarging the time to perfect the appeal to said April 2014 Term [M-5781].

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

-----x

Orthotec, LLC,
Plaintiff-Respondent,

-against-

Healthpoint Capital, LLC, et al.,
Defendants-Appellants,

M-5689
Index No. 601377/08

-and-

Scient'x, S.A.,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 3, 2013 (mot. seq. no. 005), and said appeal having been perfected,

And plaintiff-respondent having moved for leave to file a supplemental record on appeal, 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 granted to the extent of permitting plaintiff-respondent leave to file a supplemental record consisting of Exhibits A-C to the moving papers forthwith, 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 December 3, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x

Municipal Labor Committee,

Plaintiff-Respondent,

-against-

The City of New York,

Defendant-Appellant.

-----x

M-5089
Index No. 652814/13

Defendant-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about September 30, 2013, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5510
Ind. No. 3578/09

Aaron Hand,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 21, 2010,

And defendant-appellant having moved for an order remanding the matter to the Supreme Court, New York County, for a reconstruction of the jury voir dire proceedings dated June 4, 2010 and June 7, 2010, 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 remanding the matter to Supreme Court, New York County, for reconstruction of the aforesaid proceedings as expeditiously as possible. Defendant's counsel is directed to serve a copy of this order upon the Clerk and its chief court reporter of said Court within 10 days from the date of entry hereof, and the Clerk is directed to have the minutes of the proceedings transcribed and delivered to defendant's counsel for inclusion in the record within 30 days of the conclusion of said reconstruction hearing. The time to perfect the appeal is enlarged to the June 2014 Term, with leave to seek a further enlargement, if so advised.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5497

Ind. No. 267/11

Joshua Moody,
Defendant-Appellant.

-----X

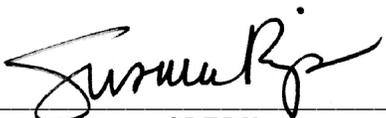
An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about September 15, 2011, and said appeal having been perfected,

And defendant-appellant, in connection with the aforesaid appeal, 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 March 17, 2014 for the June 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 December 3, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Judith J. Gische, Justices.

-----x

Ismael Fofana,
Plaintiff-Respondent,

-against-

City of New York, et al.,
Defendants,

M-5081
Index No. 113546/09

-and-

K W Mechanical, Inc., et al.,
Defendants-Appellants.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 2, 2011 (mot. seq. no. 002),

And an order of this Court having been entered on December 8, 2011, granting defendants-appellants a stay of trial on condition the appeal was perfected for the May 2012 Term (M-4812),

And plaintiff-respondent having moved for an order dismissing the appeal and for vacatur of the stay granted by the aforesaid order entered on December 8, 2011 (M-4812),

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 and the aforesaid stay vacated, on consent.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
In the Matter of William Phillips,
Petitioner-Appellant,

-against-

M-5092
Index No. 21692/12E

Geico General Insurance Company,
Respondent-Respondent.

-----X

Petitioner-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 December 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 April 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 December 3, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Scott Kaufman,
Plaintiff-Appellant,

-against-

Jennifer Kaufman,
Defendant-Respondent.

M-5196
Index No. 300653/08

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 21, 2012 (mot. seq. no. 020),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 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 December 3, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Seaport Loan Products, LLC and
Aldwych Capital Partners, LLC,
Plaintiffs-Respondents,

-against-

Lower Brule Community Development
Enterprise, LLC,
Defendant-Appellant.

M-5236
Index No. 651492/12

-----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 January 8, 2013 (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 in which to perfect the appeal to the May 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 December 3, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Maninder Bhugra,
Plaintiff-Appellant,

-against-

M-5011
Index No. 110825/07

Massachusetts Casualty Insurance
Company, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 11, 2012 (mot. seq. no. 009),

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

It is ordered that the motion is granted 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 December 3, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X

Arnold Steven Burvick,
Plaintiff-Appellant,

-against-

Nicole J. Kafka, M.D., et al.,
Defendants-Respondents.

-----X

M-5014
M-5316
Index No. 406045/07

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about April 13, 2012 (M-5014),

And defendants-respondents having cross-moved to dismiss the aforesaid appeal (M-5316),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2014 Term, with no further enlargements to be granted (M-5014). The cross motion to dismiss the appeal is granted unless the appeal is perfected for the said March 2014 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent(s) serve a copy of this order upon the appellant within ten days after the date of entry hereof (M-5316).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
Dragon Head, LLC,
Plaintiff-Appellant,

-against-

Steven Munro Elkman, et al., M-5695
Defendants-Respondents, Index No. 650192/12

-and-

Deutsche Bank Alex. Brown, etc.,
Defendant.
-----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 January 23, 2013 (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 April 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 December 3, 2013.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman, Justices.

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

-against-

M-5953
Ind. No. 1914/07

Kamal Thomas,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 21, 2010, as amended September 28, 2010, and said appeal having been argued,

And defendant-appellant pro se having moved for an order directing the transcription of the minutes of voir dire proceedings held on May 14, 2009 before Hon. Robert Stloz and Court Reporter Crystal B. Scudder 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 to the extent of directing the Clerk of the Supreme Court, New York County, to have transcribed all outstanding minutes of the aforesaid proceeding as enumerated above, for inclusion in the record on appeal, with a copy to be furnished to appellant's counsel, without charge, within 30 days from the date of service upon the Clerk of a copy of this order, which counsel is directed to serve upon the Clerk and the individual court reporter(s) within 10 days from the date of entry hereof. If the minutes are unavailable or do not exist, the Clerk of said court is directed to provide a statement to that effect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

In the Matter of the Application of
Eleanor Grosz,
Petitioner-Respondent,

For a Judgment, etc.,

M-4350

Index No. 151541/13

-against-

Nagle "The Building", Inc.,
Respondent-Appellant,

-and-

Ronald J. Edelstein,
Judgment Debtor-Appellant.

-----X

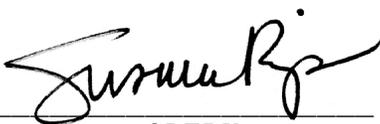
An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 6, 2013,

And judgment debtor-appellant having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated September 10, 2013, and due deliberation having been had thereon, it is

Ordered that the motion 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 December 3, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
Mario Cu,
Plaintiff-Appellant,

-against-

M-5570
Index No. 105483/10

The I. Grace Company Commissioned
Private Residences, Inc. and
Drefin Investments Limited,
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 January 24, 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 granted to the extent of enlarging the time to perfect the appeal to the April 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 December 3, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
Jerzy Maksymowicz,
Petitioner,

-against-

M-5101
M-5655
Index No. 91458/01

Richard Weisman,
Defendant.

-----X

Defendant, pro se, having moved for dismissal of the purported appeal taken from an "order" of the Supreme Court, Bronx County, dated on or about February 2, 2006 (M-5101), or for related relief,

And plaintiff, pro se, having moved to for an order, inter alia, permitting the filing of the purported appeal or for an order vacating and/or modifying the ex parte order from which said purported appeal is taken from, and for related relief, (M-5655),

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

It is ordered that the motion is granted and the purported appeal is dismissed (M-5101). The motion by petitioner for, inter alia, an order permitting the filing of the purported appeal and/or vacatur or modification of the order from which the purported appeal is taken is denied (M-5655).

ENTER:



CLERK

CORRECTED ORDER - January 31, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Steve Loren,
Petitioner-Appellant,

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

M-4829
M-5095

-against-

Index No. 401945/12

The New York City Department of
Education and Dennis Walcott, as
Chancellor of the NYC Dept. of Education,
Defendants-Respondents.

-----X
Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 24, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (M-5095),

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon, including the correspondence from petitioner-appellant dated October 7, 2013,

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record **and enlarging the time to perfect the appeal to the June 2014 Term** (M-5095). The motion (M-4829) is deemed withdrawn in accordance with the aforesaid correspondence dated October 7, 2013.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 3, 2013.

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

-----x

Bedford Hotel, Inc.,
Plaintiff-Appellant,

-against-

M-4777

Index No. 100187/13

William Rand, et al., etc.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 2, 2012,

And an order of this Court having been entered on August 6, 2013 (M-3547) granting plaintiff-appellant a stay of all proceedings on condition the appeal was perfected for the November 2013 Term,

And defendants having moved to vacate the aforesaid stay for failure to timely perfect,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated November 14, 2013 and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn and the stay afforded by the order of this Court entered on August 6, 2013 (M-3547) is vacated, in accordance with the stipulation of the parties dated November 14, 2013.

ENTER:


CLERK

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

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

-----X
Fredys Ruiz,

Plaintiff

M-5188
Index No. 302184/13

ORDER GRANTING
LEAVE TO APPEAL

-against-

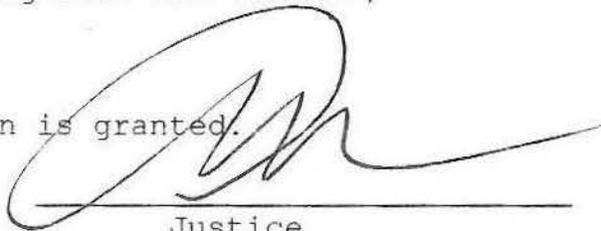
Johana Alcantra,

Defendant.
-----X

Defendant, having moved for leave to appeal to this Court from the order of the Supreme Court, Bronx County (Suarez, J.), entered on or about September 11, 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 granted.



Justice

Dated: New York, New York
December 3 , 2013

Entered: December 3, 2013

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-4718
Ind. No. 5583/03

-against-

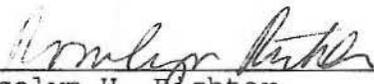
CERTIFICATE
GRANTING LEAVE

Oscar Santos,
Defendant-Appellant.
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, dated August 1, 2013.¹

Dated: November 4, 2013
New York, New York

Entered: December 3, 2013



Hon. Rosalyn H. Richter
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹ In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.