

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-

Junior Mercedes,

Defendant-Appellant.

-----X

M-160
Ind. Nos. 4140N/10
174N/10

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 15, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated December 10, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X

Yvette Rivera,
Plaintiff-Respondent,

-against-

M-4735
Index No. 120381/00

New York City Transit Authority,
Manhattan and Bronx Surface Operating
Authority and Antonio Batista,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 17, 2012 (mot. seq. no. 012),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties filed November 13, 2012, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn.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 February 14, 2013.

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

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

Jillani Ghulam,
Petitioner-Respondent,

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

M-5370
Index No. 111375/10

-against-

New York City Taxi and Limousine
Commission, et al.,
Respondents-Appellants.

-----X

An appeal having been taken from the decision and order (one paper) of the Supreme Court, New York County, entered on or about April 4, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated November 8, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2012 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X
Augustine Pamblanco Tapia,
Plaintiff-Respondent,

-against-

M-137
Index No. 15192/03

P & T Contracting Corp., et al.,
Defendants,

-and-

The City of New York
Defendant-Appellant,

-and-

Power Concrete Co., Inc., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 20, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated January 3, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2012 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X
John K. Weir,

Plaintiff-Appellant,

-against-

Holland & Knight LLP, et al.,

Defendants-Respondents.
-----X

M-193
Index No. 603204/07

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 14, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated January 8, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X
Edward Lerner and Leila Lerner,

Plaintiffs-Respondents,

-against-

M-5666
Index No. 109962/10

W7879 LLC, etc., et al.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 19, 2012 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated November 14, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X

Two A'S Mechanical, Inc.,
Plaintiff-Respondent,

-against-

M-5849
Index No. 104478/10

Hudson Meridian Construction Group,
LLC,

Defendant-Appellant,

-and-

Vintage Group, LLC,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 10, 2012 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated December 5, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X
Barbara Hubshman, Individually and
derivatively on behalf of 1010 Tenants
Corp.,
Plaintiff-Appellant-Respondent,

-against-

M-39
Index No. 114697/10

1010 Tenants Corp., et al.,
Defendants-Respondents-Appellants,

-and-

Herrick Feinstein, LLP et al.,
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 25, 2011 (mot. seq. no. 002),

Now, reading and filing the stipulation of the parties hereto, dated December 21, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the December 2012 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X
Capital Construction Management of
New York, LLC,

Plaintiff,

-against-

East 81st, LLC,

Defendant.

M-4972
Index No. 600137/10

-----X

Plaintiff having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 2, 2012, and for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Steven Landy, Esq., dated November 16, 2012, and due deliberation having been had thereon,

It is ordered that the motion 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 February 14, 2013.

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

-----X

NDL Associates, Inc., etc.,
Plaintiff-Appellant,

-against-

M-5185
Index No. 303790/11

Villanova Heights, Inc., et al.,
Defendants-Respondents,

-and-

Deutsche Bank Trust Company Americas,
et al.,
Defendants.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 4, 2012 (Appeal Nos. 8172-8173),

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated December 28, 2012 and due deliberation having been had thereon,

It is ordered that the motion 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 February 14, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
David B. Saxe
Rolando T. Acosta, Justices.

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

-against-

M-5678
SCI No. 909/12

Maliek Malcolm,
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 July 11, 2012, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-78
Ind. No. 2383N/11

Roger Robinson,
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 November 20, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-79
Ind. No. 338N/12

Shane Santiago,
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 November 19, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-80
Ind. No. 60557/10

Roque Silvagnoli,
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 November 20, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-81
Ind. No. 1437/12

Ron Singleton,
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 November 27, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 February 14, 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-82
Ind. No. 3331/12

Tiffany J. Solomon,
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 November 19, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-83
Ind. No. 3717/11

Enisael Trinidad-Gomez, also known as
Enisael Gomez-Trinidad,
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 December 5, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-84
Ind. No. 5677/11

Luis Torres,
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 November 13, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-85
Ind. No. 1258N/12

Angelo Sanchez,
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 November 30, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-87
Ind. No. 4145N/12

Anthony Vargas,
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 November 28, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-88
Ind. Nos. 813/11
1221N/12

Jonathan R. Watson, also known as
Jonathan Watson, also known as
Janathan Watson,
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 October 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-89
Ind. No. 2150/12

Mark Williams,
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 November 27, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 February 14, 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-91
Ind. Nos 1471/12

Rashaad H. Weeb,
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 November 29, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-

Darryl D. Williams, also known as
Prada,
Defendant-Appellant.

M-92
Ind. Nos. 4353/09
68133C/09
613/10
2894C/10
1752/12

-----X

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

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 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-93
Ind. No. 5149/07

Willy Ulerio,
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 November 9, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 February 14, 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-

Fernando Arias,

Defendant-Appellant.

M-3799
Ind. Nos. 557/10
1562/12
1563/12

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, rendered on or about June 15, 2012 and the appeal from a judgment of the same Court rendered on or about May 11, 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 deeming the notice of appeal for Ind. No. 557/10 as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
Rolando T. Acosta
David B. Saxe, Justices.

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

-against-

M-5753
Ind. No. 2459/11

Javon Wynn,
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 October 3, 2012, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
David B. Saxe
Nelson S. Roman, Justices.

-----X
In the Matter of

Ytossie Audrea J.,

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

- - - - -
Harlem Dowling-Westside Center for Children and Family Services, et al.,
Petitioners-Respondents,

M-110
Docket No. B11671/07

Toyie D. H., also known as Toyie J.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered November 23, 2010 (M-4757A) granting respondent-appellant mother leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 1, 2009, assignment of counsel, and related relief,

And assigned counsel for respondent-appellant mother having moved for vacatur of said order of this Court entered November 23, 2010 (M-4757A), as erroneous,

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 order of this Court entered on November 23, 2010 (M-4757A), is hereby recalled and vacated the appeal having been decided by decision and order of this Court entered October 12, 2010 (Appeal No. 3334).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Lorraine Munroe,
Plaintiff-Appellant,

-against-

Park Ave South Management, et al.,
Defendants-Respondents.

M-4938
M-4939
Index No. 307877/10
Claim Nos. 119343
119437

Lorraine Munroe,
Claimant-Appellant,

-against-

The State of New York,
Defendant-Respondent.

-----X

Plaintiff-claimant-appellant having moved, by separate motions, for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 4, 2012 (Appeal No. 8190-8191-91A),

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 February 14, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----x
Tanya Gonzalez,
Plaintiff,

-against-

Index No. 302570/10

Riverbay Corporation and Marion Scott
Real Estate, Inc.,
Defendants-Appellants,

-and-

M-379

William Thomas,
Defendant-Respondent.

- - - - -
Riverbay Corporation and Marion Scott
Real Estate, Inc.,
Third-Party Plaintiffs-Appellants,

-against-

Index No. 84027/11

William Thomas,
Third-Party Defendant-Respondent.

-----x

Defendants/third-party plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 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 June 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 February 14, 2013.

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

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

Respondent,

-against-

M-839
Ind. Nos. 4532/72
3799/72

Curtis 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 (Arlene Silverman, J.) entered on or about November 15, 2005, 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 Silverman 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.

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 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 February 14, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Alec Jeffrey Megibow, M.D., M.P.H.,
F.A.C.R., etc.,
Plaintiff-Appellant,

-against-

Caron.Org, doing business as Caron
New York, et al.,
Defendants-Respondents.

M-5757
M-5968
Index No. 115588/10

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 9, 2011 (mot. seq. nos. 001, 002), and said appeal having been perfected,

And defendants-respondents having moved for leave to strike portions of the appendix and appellants' brief, for sanctions and for related relief (M-5757),

And plaintiff-appellant having cross-moved for leave to "reset" the return date of defendants-respondents' motion (M-5968),

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

It is ordered that the motion is granted only to the extent of directing plaintiff-appellant to physically excise pages 8-37, 136-159, 240-255, 273-302, 307-310 and 314-323 from plaintiff-appellant's appendix, and the motion is otherwise denied (M-5757). The cross motion is denied, as academic (M-5968).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X

In the Matter of

Ebonee Annastasha F., also known as
Ebonee F.,
and Isaac Ansimeon F.,

Dependent Children Under 14 Years
of Age Alleged to be Abused and/or
Neglected Pursuant to §384-b of the
Social Services Law of the State of
New York.

M-5504
Docket Nos. B3433/08
B3434/08

- - - - -
Graham-Windham Services to Families
and Children, et al.,
Petitioners-Respondents,

Crystal F., also known as Crystal
Arlene F.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 8, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-289, decided simultaneously herewith.)

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X

In the Matter of

Ebonee Annastasha F., also known as
Ebonee F.,

A Dependent Child Under 14 Years
of Age Alleged to be Abused and/or
Neglected Pursuant to §384-b of the
Social Services Law of the State of
New York.

M-289
Docket No. B3433/08

- - - - -

Graham-Windham Services to Families
and Children, et al.,
Petitioners-Respondents,

Crystal F., also known as Crystal
Arlene F.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 31, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-5504, decided simultaneously herewith.)

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-5812
Case No. 13527C/11

Mohammad Islam,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 5, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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 ten reproduced copies of such brief, together with the original record, 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 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 February 14, 2013.

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

-----X
Harper Investments, Inc., et al.,

Plaintiffs-Appellants,

-against-

M-203
Index No. 650998/11

Harper-Kilgore, LLC, et al.,

Defendants-Respondents.
-----X

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

And an order of this Court having been entered on January 17, 2013 (M-5709), enlarging the time to perfect the appeal from the order entered on or about February 28, 2012 (mot. seq. no. 003)

And plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order entered on or about March 28, 2012,

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

It is ordered that sua sponte the appeals are consolidated, and plaintiffs-appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals, and it is further,

Ordered that the time to perfect the consolidated appeals is enlarged to on or before March 18, 2013 for the June 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 February 14, 2013.

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

-----x

Lorraine Wright,
Plaintiff-Respondent,

-against-

Emigrant Savings Bank, formerly known
as Collar Savings Bank of New York,
Defendant,

-and-

M-5978
Index No. 305109/08

2051 GMA Restaurant Corp., doing
business as Seven Seas Restaurant,
Defendant-Respondent,

-and-

Riverbay Corporation,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 12, 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 June 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 February 14, 2013.

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

-----X
Juana Baez-Sharp,

Plaintiff-Respondent,

-against-

M-90
Index No. 105287/05

The New York City Transit Authority
and Metropolitan Transportation
Authority,

Defendants-Appellants.

-----X

An order of this Court having been entered on January 17, 2013 (M-5801), granting an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about February 16, 2012 to the June 2013 Term,

And defendants-appellants having moved for a further 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 denied, as academic.
(See M-5801 entered on January 17, 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 February 14, 2013.

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

-----X

In the Matter of the Commitment of
and for Custody and Guardianship of

Anyiah Imani M. and Lenea'jah F.,

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

- - - - -

Abbott House Children's Services,
Petitioner-Respondent,

-against-

M-6025
Docket Nos. B-42771/10
B-42772/10

Makeba T.S.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant mother having moved for a stay of certain adoption proceedings pending hearing and determination of the appeal taken from the order of the Family Court, New York County, entered on or about April 16, 2012, and said appeal having been perfected,

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

It is ordered that the motion is 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 February 14, 2013.

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

-----X
National Union Fire Insurance Company
of Pittsburgh, PA and NVR, Inc.,
Plaintiffs-Appellants-Respondents,

-against-

M-341
Index No. 651407/10

Greenwich Insurance Company,
Defendant-Respondent-Appellant.

-----X
Greenwich Insurance Company,
Third-Party Plaintiff-Respondent-
Appellant,

-against-

Third-Party
Index No. 590024/11

Erie Insurance Company,
Third-Party-Defendant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 14, 2012 (mot. seq. no. 002), and said appeal and cross appeal having been heard,

And third-party defendant-respondent, Erie Insurance Company, having moved to adjourn the oral argument of the aforesaid appeal and for leave to withdraw and re-file its 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 moot (See Appeal No. 9241, 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 February 14, 2013.

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

-----X

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

Reven W.,
Petitioner-Appellant,

M-234

Docket No. V-04683-98/09D

-against-

Jenny Virginia DeL.,
Respondent-Respondent.

Shirim Nothemberg, Esq.,
Lawyers for Children,
Attorney for the Child.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 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 the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X
The Village Joint, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-132
Index No. 105646/07

Berzak Associates Architects, P.C.,
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 March 16, 2012 (mot. seq. nos. 003, 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 June 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 February 14, 2013.

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

-----X
In the Matter of the Application of
BMO Capital Markets Corp.,
Petitioner-Respondent,

For a Judgment Staying the Arbitration
Commenced by

M-177
Index No. 650154/12

Daisuke Sasano and Takken America
Co., Ltd.,
Respondents-Appellants.

-----X

Respondents-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 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 June 2013 Term, with no further enlargements.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

New Media Holding Company L.L.C.,
Plaintiff-Respondent,

-against-

Action No. 1

M-5279

Index No. 603742/09

Konstantin Kagalovsky, et al.,
Defendants,

Aspida Ventures Ltd. and Seragill
Holdings Ltd.,
Defendants-Appellants.

-----X

Konstatin Kagalovsky and Iota LP,
Counterclaim Plaintiffs-
Appellants,

-against-

Action No. 2

Vladimir Gusinski, et al.,
Counterclaim Defendants-
Respondents.

-----X

An appeal having been taken by defendants (Action No. 1) from an order of the Supreme Court, New York County, entered on or about August 10, 2012, and from the judgment of said Court entered on or about September 20, 2012,

And an appeal having been taken by counterclaim plaintiffs (Action No. 2) from the same order and judgment of the Supreme Court, and said appeal having been perfected,

And defendants-appellants having moved, inter alia, to vacate the aforesaid judgment of the Supreme Court, to have the above-titled matter remanded to the Administrative Judge

with the direction that a new trial judge be assigned, or in the alternative, to permit defendants to perfect separate appeals, and for alternative, and/or 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 defendants-appellants/movants, Aspida Ventures and Seragill Holdings Ltd., to perfect their appeal upon a separate record containing material related only to their appeal and to file said record along with an appellant's brief on or before March 18, 2013 for the June 2013 Term, to which Term the perfected appeal taken by counterclaim plaintiffs (Action No. 2) is adjourned. The Clerk is directed to calendar the respective appeals for hearing together on the same day of said June 2013 Term. The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Gianna W., also known as Gianna M.W.,
also known as Gianna Marie W.,

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

- - - - -

Saint Dominic's Home, et al.,
Petitioners-Respondents,

M-4093
Docket No. B-5302/08
File No. 11465

Jessica S., also known as Jessica
Ann S.,
Respondent-Appellant.

- - - - -

Wendy Claffee, Esq.,
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 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, including the stipulation between the parties dated October 15, 2012, and due deliberation having been had thereon, it is

Ordered that the motion and appeal are 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 February 14, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Guardianship of
the Person and Custody of

Mariah A. and Maya A.,

Pursuant to §384-b of the Social
Services Law of the State of New York.

- - - - -
The Children's Aid Society,
Petitioners-Respondents,

M-4955
Docket Nos. B-2391-2/09

Hugo A.,
Respondent-Appellant.

- - - - -
Jessica Brown, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 22, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Guardianship of
the Person and Custody of

Mariah A. and Maya A.,

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

- - - - -

The Children's Aid Society,
Petitioners-Respondents,

M-4955
Docket Nos. B-2391-2/09

Hugo A.,
Respondent-Appellant.

- - - - -

Jessica Brown, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 22, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Jayline R., Jonel R.,

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

- - - - -
Administration for Children Services,
et al.,
Petitioners-Respondents,

M-5478
Docket Nos. NN-27492/10
NN-27493/10

Jose M.,
Respondent-Appellant.

- - - - -
Joanne Bourne, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about October 18, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway Suite 1415, New York, NY 10007, Telephone No. (212)233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the

Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Nelson S. Román
Darcel D. Clark, Justices.

-----X
Shiboleth, Yisraeli, Roberts &
Zisman, LLP,
Plaintiff-Respondent,

-against-

M-5925
Index No. 112213/07

Waterscience, Inc.,
Defendant,

Robert Littmann and Ron Elkana,
also known as Rony Elkana,
Defendants-Appellants.

-----X

Defendant-appellants having moved for an enlargement of time in which to perfect the appeal from the orders of the Supreme Court, New York County, entered on or about April 13, 2011 and February 14, 2012 (mot. seq. no. 005),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X

Johanna Feliz,
Plaintiff-Appellant,

-and-

Miguel Reyes,
Plaintiff,

M-1
Index No. 310588/08

-against-

Richard C. Weir,
Defendant-Respondent,

-and-

Altagracia M. Casado,
Defendant.

-----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 March 27, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 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 February 14, 2013.

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

-----x
Arkin Kaplan Rice LLP, Stanley S. Arkin
and Lisa C. Solbakken,

Plaintiffs-Appellants,

-against-

M-5975
Index No. 652316/12

Howard Kaplan, Michelle Rice and Kaplan
Rice LLP,

Defendants-Respondents.
-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 4, 2012,

And defendants-respondents having moved for an order compelling plaintiffs-appellants to return certain funds to their bank account,

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 February 14, 2013.

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

-----x
Pawel Wilkowski,
Plaintiff-Respondent,

-against-

New York City Transit Authority,
et al.,
Defendants-appellants,

M-6000
Index No. 105214/05

-and-

The Lillian Goldman Family, LLC,
et al.,
Defendants.

-----x

Defendants-appellant having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered May 7, 2012, as untimely taken,

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

It is ordered that the motion is denied, without prejudice to addressing the issue directly on 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 February 14, 2013.

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

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

Respondent,

-against-

M-6012
Ind. No. 44560C/05

Lawrence Perez,

Defendant-Appellant.

-----x

Defendant-appellant having moved, through retained counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2008,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X

In the Matter of

Stephen M. Smith

Material Witness

-----X

M-261

SCID # 30191/12

An appeal having been taken by the above-named material witness from an order of the Supreme Court, New York County, entered on or about October 4, 2012, and said appeal having been perfected,

And the People having moved to summarily dismiss the aforesaid order,

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

Ordered that the motion is denied.

ENTER:



CLERK

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-5119
Bronx Co.
SCI No.
4883/94

-against-

CERTIFICATE
DENYING LEAVE

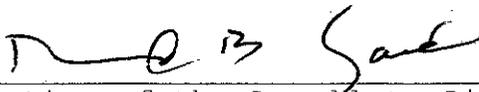
Raphael Cedano,

Defendant.
-----X

I, David B. Saxe, 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, entered on or about September 24, 2012, is hereby denied.

Dated: New York, New York

ENTERED


Justice of the Appellate Division

FEB 14 2013

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-3158
Docket No. 98X003030

-against-

CERTIFICATE
GRANTING LEAVE

Rafael A. Gil,
Defendant-Appellant.

-----X

I, Sallie Manzanet-Daniels, 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, Bronx County (Megan Tallmer, J.), entered on or about
June 4, 2012 is hereby granted.¹

Dated: January 23, 2013
New York, New York

ENTERED

FEB 14 2013


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.

¹In 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.

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-3212
SCI No. 3046/97

-against-

CERTIFICATE
GRANTING LEAVE

Thomas Santos, also known as Emmy Abreu,

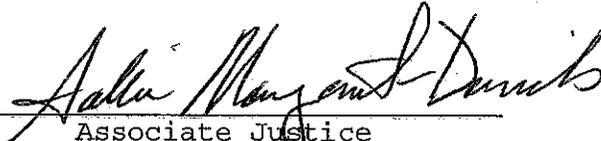
Defendant-Appellant.

-----X
I, Sallie Manzanet-Daniels, 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 (Coin, J.), entered on or about January
27, 2012 is hereby granted.¹

Dated: January 23, 2013
New York, New York

ENTERED

FEB 14 2013


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.

¹In 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.

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

BEFORE: Hon. Paul G. Feinman
Justice of the Appellate Division

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

M-149
Ind. No. 2568/2006

-against-

CERTIFICATE
GRANTING LEAVE

Bryan Andino,
Defendant-Appellant.
-----X

I, Paul G. Feinman, 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, Bronx County, entered on or about November 1, 2012.¹

Dated: January 24, 2013
New York, New York



Hon. Paul G. Feinman
Associate Justice

ENTERED

FEB 14 2013

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.

¹In 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.

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

BEFORE: Leland G. DeGrasse
Justice of the Appellate Division

-----X

In the Matter of the Application of
Elaine Rivera,
Petitioner-Respondent,

For a Judgment Pursuant to Article
78 of the CPLR,

M-172
Index No. 401373/11

-against-

New York City Housing Authority,
Bronx River Houses,
Respondent-Appellant.

-----X

Respondent having moved for leave to appeal to this Court
from the order of the Supreme Court, New York County, entered on
or about October 24, 2011,

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

It is ordered that the motion is granted. (See M-172A,
decided simultaneously herewith.)

Dated: February 1, 2013
New York, New York



Leland G. DeGrasse
Associate Justice

Entered: **FEB 14 2013**

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-5119
Bronx Co.
SCI No.
4883/94

-against-

CERTIFICATE
DENYING LEAVE

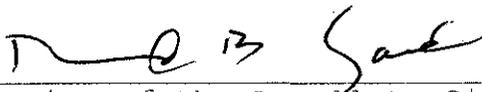
Raphael Cedano,

Defendant.
-----X

I, David B. Saxe, 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, entered on or about September 24, 2012, is hereby denied.

Dated: New York, New York

ENTERED


Justice of the Appellate Division

FEB 14 2013

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-3158
Docket No. 98X003030

-against-

CERTIFICATE
GRANTING LEAVE

Rafael A. Gil,
Defendant-Appellant.

-----X

I, Sallie Manzanet-Daniels, 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, Bronx County (Megan Tallmer, J.), entered on or about June 4, 2012 is hereby granted.¹

Dated: January 23, 2013
New York, New York

ENTERED

FEB 14 2013


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.

¹In 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.

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-3212
SCI No. 3046/97

-against-

CERTIFICATE
GRANTING LEAVE

Thomas Santos, also known as Emmy Abreu,

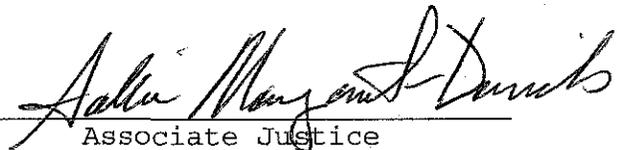
Defendant-Appellant.

-----X
I, Sallie Manzanet-Daniels, 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 (Coin, J.), entered on or about January
27, 2012 is hereby granted.¹

Dated: January 23, 2013
New York, New York

ENTERED

FEB 14 2013


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.

¹In 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.

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

BEFORE: Hon. Paul G. Feinman
Justice of the Appellate Division

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

M-149
Ind. No. 2568/2006

-against-

CERTIFICATE
GRANTING LEAVE

Bryan Andino,
Defendant-Appellant.
-----X

I, Paul G. Feinman, 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, Bronx County, entered on or about November 1, 2012.¹

Dated: January 24, 2013
New York, New York



Hon. Paul G. Feinman
Associate Justice

ENTERED

FEB 14 2013

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.

¹In 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.

PM ORDERS
ENTERED ON
FEBRUARY 14,
2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 14, 2013.

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

-----X
Jasleen Singh Mehta,
Plaintiff-Appellant,

-against-

M-360
Index No. 106839/11

Paul Drylewski, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 28, 2012 (mot. seq. no. 003),

And plaintiff-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 due deliberation having been had thereon,

It is ordered that the motion to stay all proceedings is granted on condition that the appeal is perfected on or before March 18, 2013 for the June 2013 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent(s) serve a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:


CLERK