

At a 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 26, 2013.

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

-----X

Lorraine Jacchino,

Plaintiff-Appellant,

M-184X

Index No. 113821/09

-against-

KPMG LLP,

Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 14, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2013.

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

-----X
Minetta Properties, Inc.,

Plaintiff-Respondent,

-against-

M-185X

Index No. 103137/11

Signature Properties New York LLC,
et al.,

Defendants-Appellants.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 9, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X

Earline Williams,

Plaintiff-Respondent,

-against-

M-225X

Index No. 350643/06

Mark Spellmann,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 27, 2012 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 10, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X

Beatriz Garcia,

Plaintiff-Appellant,

M-294X

Index No. 350410/03

-against-

Michael Gormley,

Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 26, 2012 (mot. seq. nos. 005-006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 16, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
Infinity Financial Partners, Inc.,
also known as Infinity Financial
Partners Corporation,

Plaintiff-Appellant,

-against-

Cypress Financial Research, LLC,
et al.,

Defendants-Respondents.
-----X

M-5973X
Index No. 650623/10

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 9, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 20, 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 26, 2013.

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

-----X

Wendy Hakeem Jaffe,

Plaintiff-Appellant/Respondent,

-against-

M-5344X

Index No. 309111/08

Robert Jaffe,

Defendant-Respondent/Appellant.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about March 16, 2012 and September 13, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 14, 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 26, 2013.

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

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

Frank Missone,

M-5904

An Incapacitated Person ("AIP"),
Petitioner-Respondent,

Index No. 500127/09

New York City Health and Hospitals
Corporation (Queens General Hospital)
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 30, 2012,

And respondent-appellant having moved for vacatur of the aforesaid order,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for respondent-appellant, dated December 21, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

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

Respondent,

-against-

M-549
Ind. No. 4621/10

Kentrel Whitaker,

Defendant-Appellant.

-----X

An order of this Court having been entered on May 31, 2012 (M-2114), inter alia, assigning Richard M. Greenberg, Esq. as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about March 12, 2012,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, New York 10003, Telephone No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

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

Respondent,

-against-

M-551
Ind. No. 1656/09

Santos Lopez,

Defendant-Appellant.

-----X

An order of this Court having been entered on June 14, 2012 (M-2173), inter alia, assigning Robert S. Dean, Esq. as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about December 6, 2011,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, New York 10003, Telephone No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

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

Respondent, M-1911
DC #13
-against- Ind. No. 6219/07

Gabriel Cordero,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 13, 2008,

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

And a calendar call having been held by the Clerk of the Court on May 12, 2012, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal, and said appeal having subsequently been perfected,

Now, upon the Court's own motion, it is

Ordered that motion is deemed withdrawn, appellant's brief having been filed on June 18, 2012.

ENTER:


CLERK

At a 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 26, 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-65
Ind. No. 3938/03

Francis Manigault, also known as
Francis Manigalt, also known as
Eric Banks, also known as James
Wilson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about October 26, 2012, **denying resentence**, 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 upon 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 26, 2013.

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

-----X

The People of the State of New York,
Respondent,

M-664

-against-

Ind. No. 534/08

Hellime Nasher,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 1, 2011 (M-253), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 20, 2010, and assigning counsel therefor,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 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-4209
Ind. No. 8326/89

James Williams,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 30, 1996 (Appeal No. 56759), unanimously affirming a judgment of the Supreme Court, New York County (Allen Alpert, J.), rendered on February 28, 1991,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----x

Jose Calo,
Plaintiff-Appellant,

-against

M-5622
Index No. 6536/06

Safeguard Chemical Corporation,
Defendant-Respondent.

Defendant-respondent having moved for dismissal of the appeal from an order of the Supreme Court, Bronx County, entered on or about April 8, 2011, for failure to timely perfect,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-5989
Ind. Nos. 5488N/10
1258/10

Austin Lee,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about October 31, 2011,

And an order of this Court entered on May 17, 2012 (M-1609), having granted defendant leave to prosecute the appeal under Indictment No. 5488N/10, as a poor person and related relief,

And defendant-appellant having moved for leave to amend the notice of appeal and the aforesaid order of this Court (M-1609), to include Indictment No. 1258/08 in addition to Indictment No. 5488N/08,

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 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 26, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Moshe Friedman,
Petitioner-Appellant,

-against-

M-6026
Index No. 104301/11

New York State Division of Human Rights, et al.,
Defendants-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about August 30, 2011, for leave to prosecute said appeal as a poor person, and for related relief,

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

It is ordered that the motion is denied and sua sponte, the appeal is dismissed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of the Application of
Jorge P. Hernandez and
Gladys Hernandez,
Petitioners-Appellants,

M-5981

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

Index No. 401025/11

-against-

New York City Housing Authority,
Respondent-Respondent.

Respondent having moved for dismissal of the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 21, 2011, for failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
Leverett J. Spinac,
Plaintiff-Respondent,

-against-

M-5482
Index No. 114579/07

The Carlton Group, LTD., et al.,
Defendants,

Carlton Advisory Services, Inc.,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on October 23, 2012 (Appeal No. 8350-8350A),

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 26, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-4206
Ind. No. 2251/96

Troy Porter,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on March 30, 2000 (Appeal No. 723), unanimously affirming a judgment of the Supreme Court, Bronx County (Richard Price, J.), rendered on July 31, 1997,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
In the Matter of the Application of
Aurelina Leonor,
Petitioner,

M-569

For a Judgment Pursuant to Article 78 Index No. 401034/12
of the CPLR,

-against-

New York State Board of Parole,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 28, 2012,

And respondent having moved for an order of this Court taking judicial notice of certain briefs and trial transcripts,

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

It is ordered that the motion is granted to the extent of directing respondent to file 9 copies of the documents attached to the motion papers labeled Exhibit A - L, forthwith. Sua sponte, the transferred proceeding is adjourned to the April 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 26, 2013.

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

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

Griselidys A.,
Petitioner-Respondent,

M-248
Docket No. V7652-12/12

-against-

John J. M.,
Respondent-Appellant.

Philip Katz, Esq.,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about January 7, 2013, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
Binta Diallo,

Plaintiff-Appellant,

-against-

M-235

Index No. 111870/09

560 West 149th St. Tenants Corp., et al.,

Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 31, 2011 (mot. seq. no. 002),

And plaintiff-appellant having moved to enjoin defendants-respondents from taking any action involving a certain apartment to which plaintiff claims she is entitled to possession, and for related relief,

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

Ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
Art and Fashion Group Corporation and
Pier 59 Studios L.P.,
Plaintiffs-Appellants-Respondents,

M-163

M-458

-against-

Index No. 650364/11

Cyclops Production, Inc. and Cyclops,
LLC,
Defendants-Respondents-Appellants.
-----X

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

And plaintiffs having moved to enlarge the time to perfect the direct appeal (M-163),

And defendants having cross-moved to enlarge the time to perfect the cross appeal (M-458),

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

Ordered that the motion and cross motion are granted and the time to perfect the appeal and cross appeal are enlarged to the September 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X

Ernest Lewis, et al.,
Plaintiffs-Respondents,

-against-

M-66
Index No. 101833/07

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

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 27, 2012 (Appeal No. 8622),

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 26, 2013.

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

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

-against-

M-5821
Ind. No. 8104/00

Julio Novo, also known as Rivera Jones,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about June 21, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x
The People of the State of New York
ex rel. James Walker,
Petitioner-Appellant,

-against-

Warden, etc., et al.,
Respondents.

M-5926
Index No. 250611/12

-----x
An order of this Court having been entered on November 20, 2012 (M-4545) denying petitioner-appellant's motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about July 6, 2012, and for related relief and sua sponte dismissing said appeal,

And petitioner-appellant having moved for reargument of the aforesaid order of this Court entered November 20, 2012 (M-4545),

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 26, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

Hutchinson Burger, Inc.,
et al.,
Plaintiffs-Respondents,

-against-

M-5901
Index No. 302046/11

Hutch Restaurant Associates,
L.P., et al.,
Defendants-Appellants,

Kathleen R. Bradshaw,
Defendant.

-----X

Plaintiffs-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 November 20, 2012 (Appeal Nos. 8637-8637A),

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 26, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X
Bernard Cherry,
Plaintiff-Appellant,

-against-

M-6007
Index No. 304132/11

New York City Department of
Corrections, et al.,
Defendants-Respondents.
-----X

An order of this Court having been entered on December 20, 2012 (M-4566) denying defendant-appellant's motion for an enlargement of time to perfect his appeal from an order of the Supreme Court, Bronx County, entered on or about January 19, 2012,

And defendant-appellant having moved for clarification of the aforesaid order of this Court entered on December 20, 2012 (M-4566),

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, and sua sponte, the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
Oneida Perez,

Plaintiff,

-against-

M-5273

Index No. 111103/07

Zumbach Sports Cars, Ltd.,

Defendant-Respondent,

Melvin Friedland, Lawrence Friedland
and Larstrand Corporation,

Defendants-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 23, 2011 (mot. seq. no. 003),

And defendant-respondent, Zumbach Sports Cars, Ltd., having moved for an order dismissing plaintiff's appeal,

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

Ordered that the motion is granted and plaintiff's appeal is dismissed; the defendants-appellants' cross appeal remains extant and is designated as the direct 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 26, 2013.

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

-----x

Paula Oliva,
Plaintiff-Respondent,

-against-

M-5780
Index No. 100586/09

Time Warner Entertainment Company, L.P.,
doing business as Time Warner Cable
Through its New York City division,
Defendant-Appellant,

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

-----x

(And other actions)

-----x

Defendants-respondent having moved for dismissal of the appeal from an order of the Supreme Court, New York County, entered on or about January 18, 2012, for failure to timely prosecute,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
Armand F. Retamozzo,
Plaintiff-Appellant,

-against-

M-120
Index No. 570843/11

Andrew Bluestone,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about September 26, 2012, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

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

-against-

Erasmus Delacruz,
Defendant-Appellant.

M-5967
Case No. 52715C/08

-----x

Respondent having moved for dismissal of the appeal from a judgment of the Supreme Court, Bronx County, entered on or about October 3, 2008, for failure to timely prosecute,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Nelson S. Román
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-3761
Ind. No. 1540/00

Jose Cosme Pizarro,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 29, 2005 (Appeal No. 7182), unanimously affirming a judgment of the Supreme Court, Bronx County (William Marcus, J.), rendered on July 1, 2003,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
In the Matter of

Sjuqwan Anthony Zion Perry M.,
also known as Sjuqwan M.,

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

- - - - -
Lutheran Social Services for
Metropolitan New York,
Petitioner-Respondent,

M-227
Docket No. B3212/07

Charnise Antonia M.,
Respondent-Appellant,

Steven M.,
Respondent-Appellant,

- - - - -
Steven Banks, Esq.,
Attorney for the Child.

-----X

Separate appeals having been taken from the order of the Family Court, New York County, entered on or about March 28, 2011,

And respondent-appellant mother having moved for an enlargement of time in which to perfect her appeal,

And respondent-appellant father having taken an appeal from the aforesaid order,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the respective appeals to the September 2013 Term. Sua sponte, the Clerk is directed to calendar the appeals for hearing together on same day in the event the aforesaid appeals are so perfected.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a 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 26, 2013.

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

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

-against-

M-241
Index No. 650727/12

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

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 21, 2012,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-104

Ind. No. 3709/09

Michael Outerbridge,

Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 25, 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 and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Frederick J. Mittermeier, Jr., et al.,
Claimants-Appellants,

-against-

M-179

The State of New York,
Defendant-Respondent.

-----X

Claimant-appellant having moved 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 December 4, 2012 (Appeal Nos. 8707-8708),

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 26, 2013.

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

-----x
In the Matter of the Application of
Samuel Diaz,
Petitioner-Appellant,

For an Order Pursuant to Article 78
of the CPLR,

M-5953
Index No. 109184/11

-against-

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

Respondent-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about November 4, 2011, for failure to timely perfect,

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

It is ordered that the motion is denied, with leave to renew upon proof of service upon petitioner-appellant at his last known address.

ENTER:



CLERK

At a 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 26, 2013.

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

-----X
Beautiful Vil. Assoc. Redevelopment
Co.,

Petitioner-Landlord-Appellant,

-against-

M-6021
Index No. 570715/12

Almira Gomez and Shelima Mosquea,
et al.,

Respondents-Tenants-Respondents.
-----X

Respondents-tenants having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 20, 2012, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

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

-against-

Ivan Chavez, also known as "Tony",
Defendant-Appellant.

M-5871
Ind. No. 3090/12

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 12, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 26, 2013.

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

-----X
Iran Moye,

Petitioner-Appellant,

-against-

New York State Department of
Human Rights,

M-5980
Index No. 400652/12

Defendant-Respondent.
-----X

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

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

It is ordered that said motion is 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 26, 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-
Lamar Platt,
Defendant.

M-142
Ind. No. 4725/07
Case No. 71705C/07

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 11, 2010, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-2751
Ind. No. 2120/07

Gilbert Lacen, also known as
Gabriel Lacen,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 8, 2011 (Appeal No. 4208), unanimously affirming a judgment of the Supreme Court, Bronx County (Michael Sonberg, J.), rendered on January 20, 2009,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

-----X
Lisa Vasquez,
Plaintiff-Appellant,

-and-

Ruben Vasquez,
Plaintiff-Appellant,

M-3294A
Index No. 304037/09

-against-

Leonardo Soriano and Raysa Soriano,
Defendants-Respondents.

-----X

Separate appeals having been taken from orders of the Supreme Court, New York County, both entered on or about July 12, 2011,

And plaintiffs-appellants having jointly moved for an order directing the Clerk of this Court to accept for filing certain duplicate records on appeal or, in the alternative, directing consolidation of the appeals to be accepted by the Clerk with one filing fee, and for related relief,

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

Ordered that the motion is granted to the extent of directing plaintiffs to file the appeals upon separate records on appeal which shall contain only the documents pertinent to that appeal with the costs of preparation of the records and

filing to be paid by each appellant with respect to their appeal and, sua sponte, enlarging the time to perfect the appeals to the June 2013 Term. The Clerk is directed to calendar the appeals for hearing together if so perfected. The motion is otherwise denied. The order of this Court entered on September 4, 2012 (M-3294) is hereby recalled and vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 26, 2013.

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

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

-against-

M-5531
Index No. 570639/11

Tony Quesada,
Respondent-Tenant-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 27, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that motion granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court. So much of the motion requesting poor person relief is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith.

ENTER:


CLERK

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

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

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

M - 5542
Ind. No. 3178/09

-against-

CERTIFICATE
DENYING LEAVE

Jose Sotomayer

Defendant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 17, 2012 is hereby denied.

Sheila Abdus-Salaam
Associate Justice

Dated: February 4, 2013
New York, New York

ENTERED: **FEB 26 2013**

PM ORDERS
ENTERED ON
FEBRUARY 26,
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 26, 2013.

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

-----X
Ghislaine Auguste,
Petitioner,

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

-against-

M-5657
M-5977
Index No. 113359/11

New York City Department of Housing
Preservation and Development and
Tower West Associates, LP,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 26, 2012,

And petitioner having moved for an enlargement of time to perfect the aforesaid proceeding and to stay certain proceedings, pending hearing and determination of the said proceeding (M-5657),

And respondent landlord having cross moved to vacate the stay of eviction in the underlying proceeding (M-5977),

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to on or before March 18, 2013 for the June 2013 Term, with no further enlargements to be granted and continuing the stay granted by Supreme Court, (M-5657). The cross motion to vacate the aforesaid stay is granted unless petitioner perfects the proceeding for said June 2013 Term and remains current with her portion of use and occupancy.

ENTER:


CLERK