

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X  
U.S. Bank National Association, etc.,

Plaintiff-Appellant,

-against-

**M-4839**

Index No. 653351/12

LH Hospitality LLC,

Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 17, 2012,

And plaintiff-appellant having moved, pursuant to CPLR 5518(a), for a temporary injunction against a certain foreclosure sale, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated December 7, 2012, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 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-5716**  
Ind. Nos. 5485/08  
14/10

Joey Lopez, also known as Joan Lopez,  
Defendant-Appellant.

-----X

Appeals having been taken from a judgment of the Supreme Court, New York County, rendered on or about November 24, 2009 (Ind. No. 5485/08) and from a judgment of said Court rendered on or about June 17, 2010 (under Ind. No. 14/10) and a judgment of **resentence** of said Court rendered on or about September 6, 2010 (under Ind. No. 5485/08),

And the appeals from the aforesaid judgment rendered on or about November 24, 2009 and the judgment of **resentence** rendered on or about September 6, 2010 having been perfected, (Ind. No. 5845/10),

Now, upon reading and filing the stipulation of the parties hereto, dated December 6, 2012, and due deliberation having been had thereon,

It is ordered that the appeal from the judgment rendered on or about June 17, 2010 (Ind. No. 14/10) is withdrawn in accordance with the aforesaid stipulation.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 January 17, 2013.

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

-----X

Red Zone LLC,

Plaintiff-Appellant,

-against-

Cadwalader, Wickersham & Taft LLP,

Defendant-Respondent.

-----X

**M-5918**

Index No. 650318/11

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 5, 2012,

Now, upon reading and filing the stipulation of the parties hereto, filed December 20, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 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 January 17, 2013.

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

-----X  
Sandra Calder Davidson, Mary Calder  
Rower and Shawn Davidson, as Executors  
of the Estate of Alexander Calder,  
Deceased,

Plaintiffs-Appellants-Respondents,

**M-5922**

Index No. 651760/10

-against-

Douglas Mayhew and Roberto Caballero,  
Former-Defendants-Respondents-  
Appellants,

Katherine Perls, individually, and as  
Executrix of the Estates of Amelia B.  
Perls and Klaus G. Perls, The Perls  
Foundation, Jane Doe, also known as  
Madame Andre, and Lennart Braberg,  
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 20, 2012,

Now, upon reading and filing the stipulation of the parties hereto, filed December 20, 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 January 17, 2013.

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

-----X  
In the Matter of the Application of  
Pauline Gilson,  
Petitioner-Appellant,

Pursuant to CPLR §3119  
For taking the deposition of

M-5649  
Index No. 106084/11

David Coburn,  
Respondent-Respondent.  
-----X

An appeal having been taken by petitioner-appellant from the order of the Supreme Court, New York County, entered on or about June 6, 2012, and said appeals having been perfected,

And respondent-respondent having moved for an order striking portions of the record on appeal, and to extend respondent's time to file his respondent's brief,

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

Ordered that the motion is granted to the extent of adjourning the appeal to the April 2013 Term, and otherwise denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X  
Saivest Empreendimentos Imobiliarios  
E Participacoes, Ltda,  
Plaintiff-Appellant,

-against-

Elman Investors, Inc. and Lee Elman,  
Defendants-Respondents.

M-5853  
Index No. 652291/10

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 7, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 17, 2013.

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

-----X  
Kolmar Americas, Inc.,  
Plaintiff-Appellant,

-against-

M-5677  
Index No. 602552/08

Bioversel, Inc., also known as  
Bioversel Trading Inc.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 11, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 17, 2013.

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

-----X  
Michael C. DiGennaro,  
Plaintiff-Respondent,

-against-

M-5646  
Index No. 112249/07

New York City Transit Authority,  
Defendant-Appellant,

"John Doe",  
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 3, 2011 (mot. seq. no. 002),

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X  
Benjamin Gonzalez, an infant, by  
his mother and natural guardian,  
Gracie Toyer and Gracie Toyer,  
individually,  
Plaintiffs-Appellants,

-against-

M-5794  
Index No. 115785/10

New York City Housing Authority,  
et al.,  
Defendants-Respondents.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 9, 2012 (mot. seq. nos. 001, 002) and June 21, 2012 (mot. seq. no. 003), respectively,

An order of this Court having been entered on November 20, 2012 (M-4709), granting plaintiffs an enlargement of time to perfect their appeal from the order entered on or about January 9, 2012 to the April 2013 Term,

And plaintiffs having moved for an enlargement of time to perfect the appeal from the order entered on or about June 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 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. The motion is granted to the extent of enlarging the time to perfect the consolidated appeals is enlarged 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 January 17, 2013.

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

-----X

Accounting of Lawrence Kalik and Chase Manhattan Bank As Co-Trustees of

Louis Wagman Trust U/A Dated August 3, 1977 and as Amended in 1984 F/B/O Loretta Wagman.

M-5187  
Surrogate's Court  
File No. 1121/1986

- - - - -  
Accounting of Carl Wagman as Co-Trustee of Continuing Trust of Louis Wagman Trust U/A dated August 3, 1977 and as Amended in 1984 F/B/O Loretta Wagman.

- - - - -  
Supreme Court of the State of New York, County of New York

- - - - -  
Loretta Wagman,  
Plaintiff-Appellant,

Supreme Court  
Index No. 107856/98  
Case No. 19294

-against-

Lawrence Kalik, as Executor, Trustee, and individually, et al.,  
Defendants-Respondents.

-----X

Consolidated appeals having been taken from orders of the Surrogate's Court, New York County, entered on or about January 2, 2009 and March 6, 2012, respectively,

And Trustee Carl Wagman having moved for an enlargement of time in which to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the 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 January 17, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
Josefina Cruz,

Plaintiff-Appellant,

-against-

M-5253  
Index No. 103386/11

United Federation of Teachers,  
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 January 3, 2012 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 17, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Paul G. Feinman, Justices.

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

For Permission to Serve a Late  
Notice of Claim Nunc Pro Tunc on

The City of New York,  
Respondent-Respondent.

M-5298  
Index No. 108600/11

-----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 December 20, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2013 Term, with leave to seek further enlargements, if necessary.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5219  
Ind. No. 2767/11

Ronald Ackridge,  
Defendant-Appellant.

-----X

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Nelson S. Román, Justices.

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

Respondent,

-against-

Quadaun James,

Defendant-Appellant.  
-----X

M-5232  
Ind. No. 1411/08  
Case No. 16874C/08

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 12, 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



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

ENTER:

  
CLERK





Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal(s). The time within which appellant shall perfect the appeal(s) 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 January 17, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Paul G. Feinman, Justices.

-----X  
The People of the State of New York  
ex rel. Arvel Bullock,  
Petitioner,

-against-

M-5078

Warden, et al.,  
Respondent(s).

-----X

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

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

It is ordered that the application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

ENTER:

  
CLERK

**CORRECTED ORDER – February 15, 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 January 17, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

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

M-4628  
Docket Nos. V-1438/08  
V-15245/07

Kevin McK.,  
Petitioner-Respondent,

-against-

Elizabeth A. E.,  
Respondent-Appellant.

Colleen Samuels, Esq.,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from a Final Order of Custody and Visitation of the Family Court, New York County, entered on or about April 10, 2012, for 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) directing the Clerk of said Family Court to have transcribed and make available to appellant's pro bono counsel O'Melveny & Myers LLP (**Andrew J. Frackman, Esq. and Brad M. Elias, Esq.**, of counsel) 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 therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (2) permitting appellant to dispense with any

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include counsel's copy of the transcript.

CORRECTED ORDER – February 15, 2013

(M-4628)

-2-

January 17, 2013

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 (3) appellant is directed to perfect this appeal, in compliance with Rule 600.11(b)(2) and (c) of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Pro bono counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3259, decided simultaneously herewith).

ENTER:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

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

- - - - -  
Kevin McK.,  
Petitioner-Respondent,

M-3259  
Docket Nos. V-1438/08  
V-15245/07

-against-

Elizabeth A. E.,  
Respondent-Appellant.  
- - - - -

Colleen Samuels, Esq.,  
Attorney for the Child.

-----X

An appeal having been taken from a Final Order of Custody and Visitation of the Family Court, New York County, entered on or about April 10, 2012,

And attorney for the Child, having moved for leave to respond, as poor persons, to the aforesaid appeal, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of (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, Tel. No. (212) 233-0318, as attorney for purposes of responding to the appeal; (2) permitting movants 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 respondent-appellant and 8 copies thereof are filed with this Court. (See M-4628, decided simultaneously herewith).

ENTER:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Sheila Abdus-Salaam  
Judith J. Gische, Justices.

-----X

In the Matter of

Evan L.,

A Child Under 18 Years of Age  
Alleged to be Neglected Under  
Article 10 of the Family Court Act.

M-5788  
Docket No. NN-6303/11

- - - - -  
Administration for Children's Services,  
Petitioners-Respondents,

James L.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Disposition of the Family Court, Bronx County, entered on or about November 27, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3)

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

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:

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

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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X

TADCO Construction Corp.,  
Plaintiff-Appellant,

-against-

M-2392  
Index No. 600039/07

Dormitory Authority of the  
State of New York,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to make a motion 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 March 29, 2012 (Appeal No. 7243),

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

It is ordered that the motion is granted to the extent of granting plaintiff-appellant an enlargement of time to move for leave to appeal to the Court of Appeals to on or before February 5, 2013 if so advised, and otherwise denied (See 22NYCRR § 600.14[a]).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr., Justices.

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

-against-

M-2699A  
Ind. No. 3209/11

German Torres, also known as Mouse,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 6, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Paul Angioletti, Esq., 38 Forest Road, Staten Island, NY 10304, Telephone No. (718) 351-5244, 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 this order. The order of this Court entered on September 11, 2012 (M-2699) is 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 January 17, 2013.

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

-----X  
Theresa Abdur-Rahman, Administratrix  
of the Estate of Jawaad Abdur-Rahman,  
Deceased,  
Plaintiff-Appellant,

-against-

M-5797  
Index No. 309809/10

Catherine G. Pollari, Thomas C.  
Pollari, Armao Costa & Ricciardi  
CPA PC, Barak Speedy Lube Inc.,  
doing business as Speedy Lube  
Inc. and The City of New York,  
Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about February 8, 2012, and said appeal having been perfected,

And defendant-respondent Barak Speedy Lube Inc., doing business as Speedy Lube Inc. having moved for dismissal of the aforesaid appeal or, in the alternative, for leave to enlarge the record on appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of directing said defendant-respondent to file a supplemental appendix containing material attached as Exhibits F through I, M, and N to the Notice of Motion at its own expense, without prejudice to substantive arguments on reply, and the motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X  
Alixandra C. Baker and Stuart D. Baker,  
Plaintiffs-Appellants,

**Action No. 1**

M-5846

-against-

Index No. 110697/10

16 Sutton Place Apartment Corporation,  
Defendant-Respondent.

-----X  
Alixandra C. Baker and Stuart D. Baker,  
Plaintiffs-Appellants,

**Action No. 2**

Index No. 106380/02

-against-

16 Sutton Place Apartment Corporation,  
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 7, 2012, in the above captioned actions,

And plaintiffs-appellants having moved for an order enlarging the time to perfect the aforesaid appeals and to consolidated same,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, hereby consolidated, to the June 2013 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X  
Juana Baez-Sharp,  
Plaintiff-Respondent,

-against-

M-5801  
Index No. 105287/05

The New York City Transit Authority  
and Metropolitan Transportation  
Authority,  
Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about February 16, 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 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 January 17, 2013.

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

-----X  
Mt. McKinley Insurance Company, formerly  
known as Gibraltar Casualty Company,  
et al.,

Plaintiffs-Respondents,

-against-

**M-5833**

**M-5834**

Index No. 602454/02

Corning Incorporated, et al.,  
Defendant-Appellant,

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

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 7, 2012,

And defendants-respondents having moved to supplement the record on appeal with certain Supreme Court orders, appearing at Exhibits "B through S" attached to the moving papers in support of Motion No. M-5833,

And defendants-respondents having moved separately to submit a second supplemental record on appeal to be filed **Under Seal**, containing the material appearing at Exhibits "B through W" attached to the moving papers in support of Motion No. M-5834,

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

Ordered that the motions are granted to the extent of permitting defendants-respondents to file a supplemental record containing the aforesaid material attached as Exhibits "B through

S" to Motion No. M-5833, and a second supplemental record **Under Seal**, consisting of the redacted documents identified as Exhibits "B through W" in the affirmation of Stephen T. Roberts, Esq., submitted in support of Motion No. M-5834. Movant is directed to expeditiously serve and file 9 copies of each supplemental record 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 January 17, 2013.

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

-----X  
TD Bank, N.A., successor by merger  
to Commerce Bank, N.A.,

Plaintiff-Respondent,

-against-

M-5881  
Index No. 650490/11

The Good Service Company, Inc.,  
et al.,

Defendants,

-and-

Cynthia O'Neal,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 2, 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 January 17, 2013.

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

-----X  
The Board of Managers of the  
Onyx Chelsea Condominium, et al.,

Plaintiffs-Appellants,

-against-

261 West LLC,

Defendant-Respondent.  
-----X

M-5971  
Index No. 104912/10

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 15, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 17, 2013.

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

-----x  
Michael Wood, et al.,  
Plaintiffs-Respondents,

-against-

Lefrak SBN Limited Partnership,  
Defendant-Appellant-Respondent,

M-5851  
Index No. 100598/09

Benihana National Corp.,  
Defendant-Respondent-Appellant.

- - - - -

Lefrak SBN Limited Partnership,  
Third-Party Plaintiff-Appellant-  
Respondent,

-against-

Index No. 590335/09

56<sup>th</sup> Street Soups LLC, doing business  
as Hale & Hearty Services LLC,  
Third-Party Defendant-Respondent.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 18, 2012 (mot. seq. no. 003),

And defendant-respondent-appellant Benihana National Corp. having moved for an enlargement of time to perfect the their cross appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the cross appeal to the June 2013 Term. (See M-5530, 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 January 17, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----x  
Michael Wood, et al.,  
Plaintiffs-Respondents,

-against-

Lefrak SBN Limited Partnership,  
Defendant-Appellant-Respondent,

M-5530  
Index No. 100598/09

Benihana National Corp.,  
Defendant-Respondent-Appellant.

- - - - -

Lefrak SBN Limited Partnership,  
Third-Party Plaintiff-Appellant-  
Respondent,

-against-

Index No. 590335/09

56<sup>th</sup> Street Soups LLC, doing business  
as Hale & Hearty Services LLC,  
Third-Party Defendant-Respondent.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 18, 2012 (mot. seq. no. 003),

And defendant/third-party plaintiff-appellant-respondent Lefrak SBN Limited Partnership having moved for an enlargement of time to perfect the direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the direct appeal to the June 2013 Term. (See M-5851, 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 January 17, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

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

Mashon Baines,  
Petitioner-Respondent,

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

-against-

M-5443  
Index No. 402436/11

Elizabeth Berlin, as Deputy Executive  
Commissioner of the New York State  
Office of Temporary and Disability  
Assistance,  
Respondent-Respondent-Appellant,

Seth Diamond, as Commissioner of the  
New York City Department of  
Homeless Services,  
Respondent-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 30, 2012,

And respondent-appellant-respondent having moved for an enlargement of time to perfect his appeal from 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 granted to the extent of enlarging the time to perfect the appeal and cross 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 January 17, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
U.S. Bank National Association,  
Plaintiff-Appellant,

-against-

M-5744  
Index No. 600405/04

APP International Finance Company  
B.V., 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 8, 2012 (mot. seq. no. 011),

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 January 17, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosaly H. Richter  
Darcel D. Clark, Justices.

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

-against-

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

M-5709  
Index No. 650998/11

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 28, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 17, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
Jose Flores,  
Plaintiff-Appellant,

-against-

M-5660  
Index No. 305817/09

R.A. Jimenez-Monzon, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 20, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 17, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
East West Bank,  
Plaintiff-Respondent,

-against-

130 William St. Holding Co., LLC,  
et al.,  
Defendants-Appellants.

M-5643  
Index No. 10273/11

-----X

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

And defendant-appellant 130 William St. Holding Co., LLC having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

M-4025  
Ind. No. 77/07

Raul DeJesus,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2008,

And defendant-appellant having moved, via retained counsel, to withdraw the notice of appeal, or on the alternative, to dismiss or remove said appeal from the Court's calendar, 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, without prejudice to renewal upon submission by defendant-appellant of a notarized affidavit seeking to withdraw the above captioned 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 January 17, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Nelson S. Román  
Judith J. Gische, Justices.

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

-against-

M-5014  
Ind. No. 4363/11

Vaughn Jones,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 21, 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.

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 January 17, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
In the Matter of

Cevon W., and  
Anthony J.,

Children Under the Age of 18 Years  
Alleged to be Neglected Pursuant to  
Article 10 of the Family Court Act.

- - - - -  
Administration for Children's Services,  
Petitioner-Respondent,

M-4806  
Docket Nos. NN-50405/11  
NN-50406/11

Talisha W.,  
Respondent-Appellant.

- - - - -  
Lawyers For Children, Esq.,  
Anna Schisse, Esq., Attorney for the  
Child Anthony J., Kao Pin Lew, Esq.,  
Attorney for the Child Cevon W..

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the Order of Disposition of the Family Court, New York County, entered on or about July 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 718-883-1560, 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 therefor<sup>1</sup> **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

---

<sup>1</sup>Service 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 January 17, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Nelson S. Román  
Judith J. Gische, Justices.

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

-against-

M-5065  
Ind. No. 4629/09

Joel Herrera,  
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 June 26, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

The 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.

Defendant-appellant's time in which to perfect the appeal is 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 January 17, 2013.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-5379  
Ind. No. 2532N/10

Jose Delorbe, also known as Ramon Paulino, also known as Culebra,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 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, 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 January 17, 2013.

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

-----x  
Doris Beverly Burton,

Plaintiff-Appellant,

-against-

M-5162  
Index No. 303349/09

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

Defendants-Respondents.  
-----x

Appeals having been taken to this Court from the orders of the Supreme Court, Bronx County, entered on or about December 14, 2011 and March 12, 2012, and from the judgment of said Court entered on or about December 30, 2011, and said appeals having been perfected on a single record,

And defendants-respondents having moved for leave to strike plaintiff-appellant's reply brief,

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

It is ordered that the motion is granted to the extent of adjourning the perfected appeal to the April 2013 Term, and the motion is otherwise denied, with leave to renew after an appointment of a representative of the deceased plaintiff.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----x  
In the Matter of the Application of  
Mara Gajevska,  
Plaintiff-Appellant,

M-5327

For a Judgment Pursuant to Article 78  
of the CPLR,

Action No. 1  
Index No. 115728/10

-against-

Teachers' Retirement System of the  
City of New York,  
Respondent-Respondent.

-----x  
Mara Gajevska,  
Plaintiff-Appellant,

-against-

Action No. 2  
Index No. 115727/10

Teachers' Retirement System of the  
City of New York, et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court by plaintiff from the final order of Supreme Court, New York County, entered on or about May 1, 2012 (Action No. 1 [Index No. 115728/10]); and a separate appeal having been taken to this Court from the order of said Court entered on or about April 23, 2012 (Action No. 2 [Index No. 115727/10]),

And plaintiff having moved for consolidation of the aforesaid appeals,

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

The motion is granted only to the extent of directing the Clerk to calendar the appeals for hearing together, if perfected for the same 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 January 17, 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-

M-5891  
Ind. Nos. 2448/09  
2682/09

Ramon Berrios,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about April 20, 2010, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before March 18, 2013 for the June 2013 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X  
Malco Realty Corp.,  
Plaintiff-Appellant,

-against-

M-5528  
Index No. 307211/10

Westchester Condos, LLC,  
Defendant-Respondent.  
-----X

Appeals having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about November 23, 2011, from the order and judgment of said Court entered on or about March 29, 2012 and April 3, 2012, respectively, and from the order of said Court entered on or about October 16, 2012,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about November 23, 2011, for consolidation of all of the aforesaid appeals and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of consolidating all the appeals, and permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The time to perfect the consolidated appeals is enlarged 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 January 17, 2013.

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

-----X  
Rhonda Greenapple, also known as  
Rhonda Simoff, etc, et al.,  
Plaintiffs-Respondents,

-against-

M-5665  
Index No. 108683/10

Capital One, N.A., doing business as  
Capital One Bank,  
Defendant-Appellant,

Park Madison Associates, LLC, et al.,  
Defendants.

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

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 17, 2011 (mot. seq. no. 002),

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

PM ORDERS

ENTERED ON

JANUARY 17, 2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X

Arturo P. Batac,

Plaintiff,

**M-5585**

Index No. 570523/10

-against-

Allstate Property & Casualty,

Defendant.

-----X

Plaintiff having moved for leave to prosecute, as a poor person, a purported appeal taken from an unspecified order of the Appellate Term of the Supreme Court, First Department, for leave to have the purported appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, without prejudice to renewal upon submission of an order of the Appellate Term of the Supreme Court, First Department, deciding on an appeal to that Court, and an order of said Court deciding a motion for leave to appeal to this Court (CPLR §5703).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X

Sandra Rivacoba,

Plaintiff-Respondent,

**M-5933**

**M-8**

-against-

Index No. 305844/09

Jose Alejandro Luna Aceves,

Defendant-Appellant.

-----X

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

And defendant-appellant having moved for an order enlarging the time to perfect the aforesaid appeal (M-5983),

And plaintiff-respondent having cross-moved for an order dismissing the aforesaid appeal, vacating a certain stay, and for related relief (M-8),

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 defendant's motion is granted to the extent of enlarging the time to perfect the appeal to on or before February 19, 2013 for the May 2013 Term, with no further enlargements to be granted (M-5983). Plaintiff's cross motion is denied in its entirety.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 2013.

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

-----X  
Travelers Property Casualty Company  
of America, as subrogee of Sherle  
Wagner International,  
Plaintiff,

-against-

M-5923  
Index No. 110462/07

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

-----X  
Consolidated Edison Company of  
New York, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Third Party  
Index No. 591089/07

450 Park, LLC and Taconic Management  
Company, LLC  
Third-Party Defendants-Appellants,

-and-

Taconic Investment Partners, LLC, et  
al.,  
Third-Party Defendants.

-----X  
(And another action)  
-----X

Third-party 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 June 22, 2012 (mot. seq. no. 003)[Index No. 110462/07], and said appeal having been perfected, and to consolidate certain related appeals with the aforesaid perfected 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 staying the trial pending hearing and determination of the appeal from the aforesaid order entered June 22, 2012 [Index No. 110462/07], and otherwise denied the related appeals having been heard.

ENTER:

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

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CLERK