

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

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

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

-----  
Jose F.,  
Petitioner-Appellant,

**M-5334**  
Docket No. V-17326/10

-against-

Celinda H.,  
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about August 17, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed November 14, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2012 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

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

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

-----X  
Monique R. Reece,

Plaintiff-Appellant,

-against-

M-589

Index No. 306927/09

Ronald Espin-Jaime and Edwin  
Romero,

Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 5, 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 March 14, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Nelson S. Román  
Darcel D. Clark, Justices.

-----X  
YL Sheffield LLC and SH 57<sup>th</sup> LLC,  
etc., et al.,  
Plaintiffs-Appellants,

-against-

**M-4021**  
Index No. 601782/09

Wells Fargo Bank, N.A., and Keycorp  
Real Estate Capital Markets, Inc.,  
Defendants-Respondents,

Guggenheim Structured Real Estate  
Funding 2006-3, Ltd., et al.,  
Defendants-Respondents,

434 M LLC, et al.,  
Substituted Defendants,

322 West 57<sup>th</sup> Owner LLC, et al.,  
Nominal Defendants.

-----X

Defendants-respondents, Wells Fargo Bank, N.A., and Keycorp Real Estate Capital Markets, Inc., having moved for dismissal of plaintiffs' appeal taken from the order of the Supreme Court, New York County, entered on or about March 20, 2012 (mot. seq. no. 007),

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

It is ordered that in accordance with the aforesaid stipulation the motion is granted to the extent of dismissing

the aforesaid appeal with respect to defendants-respondents, Wells Fargo Bank, N.A., and KeyCorp Real Estate Capital Markets, Inc. The appeal otherwise remains extant.

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 March 14, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

Kenneth H.,  
Petitioner-Respondent,

**M-169**  
Docket No. V-10573/08

-against-

Fay F.,  
Respondent-Appellant.  
-----

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

In the Matter of

Journey H.,

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

Docket No. NN-16218-06/08A

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

Fay F.,  
Respondent-Appellant.  
-----

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

Respondent-appellant mother, Fay F., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about December 3, 2012, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, 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 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.** (See M-256, decided simultaneously herewith.)

ENTER:

  
CLERK

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<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 March 14, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

Kenneth H.,  
Petitioner-Respondent,

**M-256**  
Docket No. V-10573/08

-against-

Fay F.,  
Respondent-Appellant.  
-----

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

In the Matter of

Journey H.,

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

Docket No. NN-16218-06/08A

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

Fay F.,  
Respondent-Appellant.  
-----

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

Petitioner-respondent, Kenneth H., having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about December 3, 2012, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Michael S. Bromberg, Esq., 44 Hampton St., Sag Harbor, NY 11963, Telephone No. (631) 725-0641, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-169, 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 March 14, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of  
Jennifer Figueroa,

Petitioner-Appellant,

**M-162**

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules,

Index No. 400953/12

-against-

New York City Housing Authority,

Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 24, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for a stay of eviction pending hearing and determination of said appeal,

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

It is ordered that the motion is denied in all respects.

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 March 14, 2013.

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

-----X

Accounting by Karen Matseaone, as the Administrator of the Estate of Carol Matseaone, also known as Carol Christine Matseaone, also known as Carol Taylor Matseaone, also known as Carol C. Taylor,

M-6022  
File No. 2795/07

Deceased.

Subtle Engineering Co.,  
Objectant-Appellant.

-----X

Objectant-appellant Subtle Engineering Co. having moved for an order staying enforcement of the order of the Surrogate's Court, New York County, entered on or about October 18, 2012, 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 granted on condition that the appeal is perfected for 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 March 14, 2013.

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

-----X

The People of the State of New York,

-against-

Tyroy Peterkin,  
Defendant.

M-377  
Ind. No. 2456/08  
Case No. 37140C/08

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment **resentence** of the Supreme Court, Bronx County, rendered on or about January 12, 2010, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

-----X  
Kyle Sutliff,  
Plaintiff-Appellant,

-against-

M-619  
Index No. 107610/10

Ghulam Qadar, 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 April 4, 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 October 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 March 14, 2013.

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

-----X  
Katz 737 Corp.,  
Plaintiff-Appellant,

-against-

M-195  
Index No. 116054/10

Lester Cohen, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 20, 2012 (Appeal No. 7591),

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 March 14, 2013.

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

-----X

The People of the State of New York,

-against-

**M-145**

Ind. No. 1533/12

Andrew Lessey,

Defendant.

-----X

Defendant having moved for an order, pursuant to CPL 230.20 for change of venue of a pending indictment from Supreme Court, New York County, to an "alternative county with similar demographic composition",

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 March 14, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-347  
Ind. No. 4458/08

Auguste Rockerfeller, also known as  
Rockefeller Auguste,  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 24, 2012 (M-1718), denying defendant's motion for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County ( Bruce Allen, J.), rendered on October 5, 2009, to prosecute said appeal as a poor person, and for related relief,

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 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 March 14, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-470  
Ind. No. 1773/07

Heath Strothers,

Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 9, 2008, and said appeal having been perfected and heard by this Court (Appeal No. 4362),

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, on consent, and the appeal (Appeal No. 4362) is dismissed as moot.

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 March 14, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
Hamilton Heights Funding LCC, etc.,  
Plaintiff-Respondent,

-against-

M-118  
Index No. 117868/09

415 West 150 LLC, State of New York,  
Department of Taxation and Finance,  
David Daimond, MJM Construction  
Services LLC, Outbridge Plumbing  
Group LLC, Magnusson Architecture  
and Planning PC, Ameritrans Capital  
Corporation and John Doe 1 to 25,  
etc.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, entered on or about September 5, 2012,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed. (See CPLR 5520[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 March 14, 2013.

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

-----X

Apple Bank for Savings,  
Plaintiff-Appellant,

-against-

M-5930  
Index No. 603492/06

PricewaterhouseCoopers LLC,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 20, 2012 (Appeal No. 8642-8642A),

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 March 14, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Robert Pitt Realty, LLC, et al.,  
Plaintiffs-Respondents,

-against-

19-27 Orchard Street, LLC, et al.,  
Defendants,

Essex Insurance Company, et al.,  
Defendants-Appellants.

M-5936  
Index No. 24648/05

- - - - -  
19-27 Orchard Street, LLC, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Essex Insurance Company,  
Third-Party Defendant-Appellant.

-----X

Defendant-appellant/third-party defendant-appellant  
Essex Insurance Company having moved for reargument of the  
decision and order of this Court entered on December 4, 2012  
(Appeal No. 8394),

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 March 14, 2013.

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

-----X  
On the Level Enterprises, Inc.,  
Plaintiff,

-against-

M-5640  
Index No. 602781/08

49 East Houston LLC,  
Defendant-Appellant,

Charles McGrath Construction Inc.,  
Defendant-Respondent,

Midfirst Bank, et al.,  
Defendants.

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

Defendant-appellant 49 East Houston LLC having moved for reargument of the decision and order of this Court entered on November 13, 2012 (Appeal No. 8552),

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, upon reargument, the decision and order of this Court entered on November 13, 2012 (Appeal No. 8552), is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 8552, 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 March 14, 2013.

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

-----X  
Dr. Suzanne Soehner,  
Plaintiff-Respondent,

-against-

M-208  
Index No. 305548/09

579 West 215th Owners Corp.,  
and Robert E. Hill, Inc.,  
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 28, 2012, for failure to timely perfect,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

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

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

- - - - -  
Solangee Z.,  
Petitioner-Respondent,

M-1017  
Docket Nos. V15527-8/06

-against-

Kahir M. E.,  
Respondent-Appellant.

- - - - -  
Frederic P. Schneider, Esq.,  
Attorney for the Child, Akiyl M. E.

-----X

Attorney for the subject child Akiyl M. E., Elliott Podhorzer, Esq., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the Order of Custody and Visitation of the Family Court, County, entered on or about December 1, 2010, 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, Frederic P. Schneider, Esq., Ballon Stoll Bader & Nadler, 729 Seventh Avenue, 17<sup>th</sup> Fl., New York, NY 10019, Telephone No. 212-575-7900, as counsel for purposes of responding to the appeal;  
(2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-respondent and 8 copies thereof are filed with this Court on or before April 17, 2013 for the June 2013 Term. Sua sponte, respondent-appellant is granted leave to file a supplemental reply brief in response to the brief for the subject child, is so advised, on or before April 26, 2013 for said 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 March 14, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Darcel D. Clark, Justices.

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

-against-

Nelson Cruz,  
Defendant-Appellant.

M-714  
Ind. Nos. 3783/08  
877/07

-----X

An order of this Court having been entered on May 29, 2012 (M-2003), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 9, 2011, under Indictment No. 3783/08, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 877/07,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 877/07, and extending the poor person relief previously granted to cover same.

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 March 14, 2013.

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

-----X  
In the Matter of the Petition of  
Liesa Larman Reznick as Administrator  
of the Estate of Charles Saltz,  
Deceased, Surrogate's Court  
M-390  
To compel delivery of property withheld. File No. 4525/07  
-----  
Liesa Larman Reznick,  
Petitioner-Respondent,  
Michael E. Freeman,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about October 6, 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 in which 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 March 14, 2013.

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

-----X  
Juan Reyes, M.D.,  
Plaintiff-Respondent,

-against-

M-427  
Index No. 24634/03

Rafael Sequeira, M.D., S.A.R.  
Bookkeeping & Billing Corporation  
and 91 Graham Avenue Realty  
Corporation,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 9, 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 March 14, 2013.

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

-----X  
Barbara Bracker,  
Plaintiff-Respondent,

-against-

M-5800  
Index No. 116480/08

New York City Transit Authority,  
Defendant-Appellant.

-----X

Defendant-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 January 20, 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 March 14, 2013.

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

-----X  
Lekkos Construction Corp.,

Plaintiff-Appellant,

-against-

Cordial Construction Inc.,

Defendant-Respondent.  
-----X

M-485  
Index No. 102127/08

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 July 27, 2011 (mot. seq. no. 004),

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

It is ordered that the motion is denied, with leave to renew upon a motion in compliance with CPLR 321(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 March 14, 2013.

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

-----X

Oscar Torres, etc.,  
Plaintiff-Appellant,

-against-

M-307  
Index No. 16105/07

New York City Health and Hospitals  
Corporation (Lincoln Hospital),  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 11, 2012 (Appeal No. 8766),

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 March 14, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X

Randy Bonito and Brian Cespedes  
on behalf of themselves and all  
others similarly situated,  
Plaintiffs-Appellants,

-against-

M-837

M-872

Index No. 650541/11

Avalon Partners, Inc. and  
Vincent Au,  
Defendants-Respondents.

- - - - -

National Employment Lawyers  
Association-New York; MFY Legal  
Services, Inc.; The Legal Aid  
Society; Brandworkers International;  
the National Employment Law Project;  
the Asian American Legal Defense and  
Education Fund; and the Restaurant  
Opportunities Center of New York,  
Amicus Curiae,

The Attorney General of the  
State of New York,  
Amicus Curiae.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 26, 2012, and said appeal having been perfected,

And counsel to the National Employment Lawyers Association-New York; MFY Legal Services, Inc.; The Legal Aid Society; Brandworkers International; the National Employment Law Project; the Asian American Legal Defense and Education Fund; and the Restaurant Opportunities Center of New York, having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal (M-837),

And counsel for the Attorney General of the State of New York, having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal; for leave to participate in oral argument and to take judicial notice of a certain material appearing at Exhibit B to the affirmation of Leslie B. Dubeck, Esq. submitted in support of the motion (M-872),

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

It is ordered that the motion by National Employment Lawyers Association, et al., for leave to file a brief amicus curiae is granted (M-837). The motion by the Attorney General of the State of New York for leave to file a brief amicus curiae and for this Court to take judicial notice of Exhibit B of the Dubeck Aff. is granted to the extent of granting leave to file the brief amicus curiae and taking judicial notice of the aforesaid material and directing the Attorney General to file 9 copies of said exhibit in this Court forthwith, and otherwise denied (M-872). The Clerk is directed to accept the copies of the proposed briefs submitted with the motions as filed.

ENTER:

  
CLERK

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

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

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

Respondent,

-against-

M-5802

Docket No. 60074C/10

Anthony Marshall,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 28, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

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

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

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

Respondent,

-against-

M-5808  
Ind. No. 2222/12

Steve Boria,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 2, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

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

PRESENT - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

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

-against-

M-350  
Ind. No. 267/11

Rakeen Frazier,  
Defendant-Appellant.

-----X

An order of this Court having been entered on November 29, 2012 (M-5057) 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 September 13, 2011; and a motion having been made to relieve such counsel, 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 striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100 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 March 14, 2013.

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

-----X

Kate Gaffney,  
Plaintiff-Appellant,

-against-

M-190  
Index No. 107675/05

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

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 4, 2012 (Appeal Nos. 8684-8685),

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 March 14, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
Michele Trezza, et al.,  
Plaintiffs-Respondents,

-against-

M-202  
Index No. 310237/08

Metropolitan Transportation Authority,  
New York City Transit Authority and  
Jason James Dodoo,  
Defendants-Appellants,

Angeleasa Olsen,  
Defendant.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about March 22, 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 March 14, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Liberty Insurance Underwriters, Inc.,  
Plaintiff-Respondent,

-against-

M-480  
Index No. 113946/06

Perkins Eastman Architects, P.C.,  
Defendant-Appellant.

-----X  
Perkins Eastman Architects, P.C.,  
Third-Party Plaintiff-Appellant,

-against-

Index No. 590955/07

Ace American Insurance Company,  
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from an order of Supreme Court, New York County, entered on or about March 6, 2012,

And defendant/third-party plaintiff-appellant having moved for an enlargement of time to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before July 8, 2013 for 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 March 14, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----x  
In the Matter of the

Gregory Stewart Trust,

**Surrogate's Court**

In the Matter of the

M-394

William P. Stewart III Trust

M-624

M-648

In the Matter of the

File Nos. 2005-3833

2005-4776

Jeffrey R. Stewart Trusts

2005-4775

2005-4777

In the Matter of the

Lisa Stewart Trust,

Respondents-Appellants-Respondents,

Barbara Stewart,

Petitioner-Respondent-Appellant.

-----x

Appeals and cross appeals having been taken from the orders of the Surrogate's Court, New York County, entered on or about February 15, 2012 and March 21, 2012, respectively, and said appeals and cross appeal having been perfected,

And petitioner-respondent Barbara Stewart having moved for an enlargement of time to perfect her appeal from the aforesaid order entered on February 15, 2012 (M-394),

And respondents-appellants Gregory Stewart Trust, William P. Stewart III Trust and Jeffrey R. Stewart Trust having jointly cross-moved for leave to strike certain portions of the answering brief of petitioner-respondent Barbara Stewart (M-624),

And non-party William P. Stewart, III, pro se, having moved to disqualify the attorneys for the respondent-appellant William P. Stewart III Trust or in the alternative to dismiss the appeal taken by the aforesaid William P. Stewart III Trust, or for related relief (M-648),

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

It is ordered that the jointly perfected appeals of respondents-appellants William P. Stewart III Trust, Gregory Stewart Trust and Jeffrey Stewart Trust from the order entered on March 21, 2012 and the order entered February 15, 2012 are designated as the direct appeals; petitioner Barbara Stewart's appeal from the order entered on February 15, 2012 is deemed a cross-appeal; the brief and supplemental appendix filed by petitioner Barbara Stewart as petitioner-respondent are deemed accepted as a brief and appendix on her cross-appeal and the motion is otherwise denied (M-394). The cross-motion to strike petitioner's brief and supplemental appendix is denied and the parties directed to share costs of printing the joint appendix and supplemental appendix accordingly with said costs to abide the appeal (M-634). Leave to disqualify counsel denied, with leave to renew, before Surrogate's Court and motion otherwise denied (M-648).

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 March 14, 2013.

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

-----X

David Tash,

Plaintiff-Appellant,

-against-

M-111

Index No. 25151/98

Federated Department Stores Inc.,  
doing business as Macy's Department  
Store,

Defendant-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about February 7, 2012, and said appeal having been perfected,

And plaintiff-appellant having moved 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 denied as unnecessary, the aforesaid appeal having been perfected.

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 March 14, 2013.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----X  
Lori Zelenko,  
Plaintiff-Appellant,

-against-

**M-5992**

Index No. 100597/12

The 400 Realty Co.,  
Defendant,

400 E57 Owner, LLC.,  
Defendant-Respondent,

-and-

Dime Community Bancshares, Inc.,  
Defendant.

-----X

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

And plaintiff-appellant having moved to stay, pending hearing and determination of the appeal, a certain referee's hearing,

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 on condition that plaintiff perfects the appeal on or before July 8, 2013 for 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 March 14, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----x

Ernest Thomas, et al.,

Plaintiffs-Appellants,

-against-

M-509

Index No. 104828/10

Goldman Sachs Headquarters, LLC,  
et al.,

Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 31, 2012, and said appeal having been perfected,

And plaintiffs-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

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

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

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

M-5616  
Ind. No. 4404/97

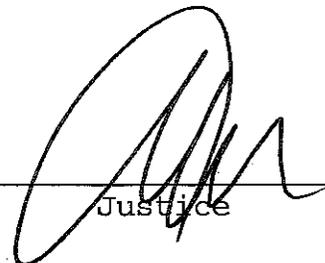
-against-

CERTIFICATE  
DENYING LEAVE

Alfredo Victoria, also known as Alfredo Victorio,  
also known as Alfredo Victoriale,

Defendant.  
-----X

I, Angela M. Mazzarelli, 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, Bronx County (Denis J. Boyle, J.), entered on or about September 10, 2012, is hereby denied.

  
\_\_\_\_\_  
Justice

Dated: New York, New York  
, 2013

**ENTERED**

MAR 14 2013

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

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

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

M-262  
Ind. No. 2775/06

-against-

CERTIFICATE  
DENYING LEAVE

Pedrito Mendez,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, 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 June 28, 2012, is hereby denied.

  
Associate Justice

Dated: February 20, 2013  
New York, New York

ENTERED: **MAR 14 2013**

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

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

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

M-660  
Ind. No. 1255/82

-against-

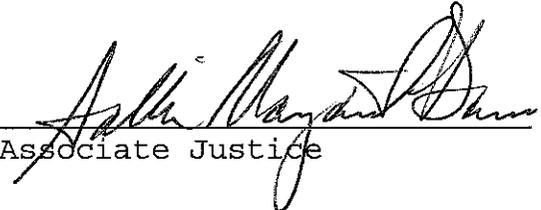
CERTIFICATE  
DENYING LEAVE

Michael Thompson,

Defendant.

-----X

I, Sallie Manzanet-Daniels, 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, Bronx County, entered on or about October 16, 2012, is hereby denied.

  
Associate Justice

Dated: February 20, 2013  
New York, New York

ENTERED: **MAR 14 2013**

PM ORDERS

ENTERED ON

MARCH 14, 2013

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

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----x  
Petition for a Compulsory Accounting and Related Relief in the Ruth Bronner and Zwi Levi Family Sprinkling Trust, an inter vivos trust f/b/o Ruth T. Bronner. Surrogate's Court  
M-506  
M-853  
File No. 2271/2012

-----  
Petition for a Compulsory Accounting and Related Relief in the Ruth Bronner Trust created on July 2, 1993 by Ruth T. Bronner, Kevin Yinon Levy, Eliya Levy, Moriah Frummet Rachel Levy File No. 2271A/2012

-----  
Petition for a Compulsory Accounting and Related Relief in the RB and ZL Family Sprinkling Trust created on January 14, 1993 by Zwi O. Levy f/b/o Zwi O. Levy, Ruth T. Bronner, Kevin Yinon Levy, Eliya Levy and Moriah Frummet Rachel Levy. File No. 2271C/2012

-----x  
Separate appeals having been taken by respondent-appellant Warren R. Gleicher, as trustee in the above-captioned trusts, from the orders of the Surrogate's Court, New York County, all entered on or about December 3, 2012, and the appeal under File No. 2271/12 having been perfected and calendared for the May 2013 Term,

And respondent-appellant having moved for consolidation of the aforesaid appeals, for leave to supplement the record on appeal with the additional notices of appeals, the citations and petitions under File Nos. 2271A/2012 and 2271C/2012, and for leave to "patch the covers" to reflect same (M-506),

And petitioner-respondent Ruth Bronner having cross-moved for adjournment of the appeal under File No. 2271/2012, and for leave to serve and file a respondent's brief with respect to said appeal (M-853),

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 (M-506) is granted to the extent of consolidating the aforesaid appeals for the June 2013 Term, to which Term the appeal under File No. 2271/2012 should be adjourned. Respondent-appellant is granted leave to supplement the record on appeal with the additional notices of appeal under File Nos. 2271A/2012 and 2271C/2012, citations and petitions reflecting all three file numbers, and to "patch the covers" to reflect all three appeals. The cross motion is granted to the extent of directing respondent-appellant to supplement the record and make corrections on the main brief on or before March 18, 2012, for said June 2013 Term, and directing petitioner-respondent to file a respondent's brief on or before April 17, 2013 for said Term.

ENTER:

  
\_\_\_\_\_  
CLERK

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

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Union Square Park Community  
Coalition, et al.,

Plaintiffs-Respondents,

-against-

**M-1041**  
Index No. 102734/12

New York City Department of Parks  
and Recreation, et al.,

Defendants-Appellants.

- - - - -  
Union Square Partnership, Friends  
of the Union Square Dog Run, Victoria  
Owners Corp., Rothman's Union Square,  
Susan Kramer, Gail Fox, Buchbinder &  
Warren, LLC, Union Square Eye Care,  
and Vineyard Theatre (collectively,  
the "Neighborhood Amici"),

Amici Curiae.

-----X

An appeal having been taken to this Court by the above-named defendants from an order of the Supreme Court, New York County, entered on or about January 9, 2013,

And the aforementioned "Neighborhood Amici" having moved for leave to file a brief as amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of directing the "Neighborhood Amici" to file 9 copies of the proposed amici brief forthwith.

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 March 14, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Nelson S. Román  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

Mark Carey,  
Plaintiff,

-against-

M-788  
Index No. 107410/09

Capital Cleaning Contractors, Inc.,  
Capital Cleaning Contractors, Inc.,  
of New York, New York Foundling  
Hospital Center for Pediatric,  
Medical and Rehabilitative Care,  
Inc., Vincent J. Fontana Center,  
for Child Protection, New York  
Foundling Charitable Corporation  
and 7 Ocean Group, Inc.,  
Defendants-Appellants.

-----X

(And a third-party action)

-----X

Defendants-appellants New York Foundling Hospital Center for Pediatric, Medical and Rehabilitative Care, Inc. and Vincent J. Fontana Center for Child Protection 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 October 18, 2012 (mot. seq. no. 004), and said appeal having been perfected,

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

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

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Maria Otto, etc., et al.,

Plaintiffs-Respondents,

-against-

M-467  
Index No. 108886/10

Jonathan Otto, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 30, 2012,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

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

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

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

M-262  
Ind. No. 2775/06

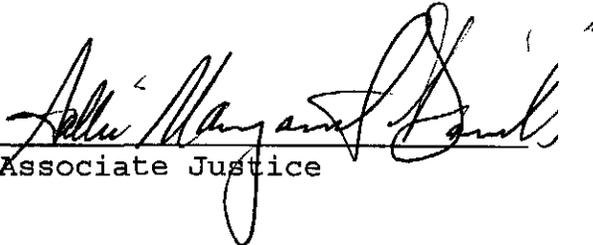
-against-

CERTIFICATE  
DENYING LEAVE

Pedrito Mendez,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, 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 June 28, 2012, is hereby denied.

  
Associate Justice

Dated: February 20, 2013  
New York, New York

ENTERED: **MAR 14 2013**