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 May 30, 2013.

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

----------X

Delfino Flores,
Plaintiff,

-against- M-1501X

15 Fort Washington Avenue Housing Development Fund Corporation, et al., Index No. 15897/07
Defendants,

Expo Development Corp.,
Defendant.

----------X

15 Fort Washington Avenue Housing Development Fund Corporation, et al.,
Third-Party Plaintiffs,

Index No. 86185/07

-against-

Rizo's Contracting LLC,
Third-Party Defendant.

----------X

Expo Development Corp.,
Second Third-Party Plaintiff,

-against- Index No. 83719/08

Rizo's Contracting LLC,
Second Third-Party Defendant.

----------X

Appeals and a cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 22, 2012 (mot. seq. nos. 008, 009),

And an appeal having been taken from an order of said Court entered on or about November 9, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 1, 2013, and due deliberation having been had thereon,

It is ordered that all of the aforementioned appeals and the cross appeal are withdrawn in accordance with the aforesaid stipulation.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 May 30, 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-1947
Ind. No. 4517/08
Case No. 64335C/08

Hector Matos,

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 February 25, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1949
-against- Ind. No. 1128/12

Vincent Medina,

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 February 21, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1950
-against- Ind. No. 3810/12

Ali Moulhem,

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 February 21, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1953
-against- Ind. No. 3313/12

Giovanni Ortiz,

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 February 11, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1954
-against- Ind. No. 1905/11

Lazarus Roseboro,

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 February 21, 2013, 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 May 30, 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-1955
Ind. No. 2171/11
Case No. 34312C/11

Darrell Rose,

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 February 14, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1956
-against- Ind. No. 2248/12

Joanna Romero,

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 January 15, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1957
-against- Ind. No. 1338/12

Jayvon Roberts,

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 February 15, 2013, 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 May 30, 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-1958
Ind. No. 3162/12
Case No. 55041C/12

Edward Salce,

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 January 17, 2013, 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 May 30, 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-1959
SCI No. 2261/12
Case No. 65509C/11

Glen C. Slater,

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 January 29, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1961
-against- Ind. No. 3100/12

Felicia Williams,

Defendant-Appellant.
----------X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 20, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1962
-against- Ind. No. 4674/12

Charles Welcome,

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 February 21, 2013, 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 May 30, 2013.

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

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

Respondent,

M-1963
-against- Ind. Nos. 1370/09
2932/12

Emanuel Zayas,

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 February 28, 2013, 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 May 30, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-1994
Ind. No. 1982/07

Gale Lewis, also known as Lewis Gale,
Defendant-Appellant.
----------X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 7, 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 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 May 30, 2013.

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

----------X

Martin Weinstein,
Plaintiff-Appellant,

-against-

M-1629
Index No. 104823/11

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

----------X

Plaintiff-appellant having moved for reargument/renewal of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 19, 2013 (Appeal No. 9302),

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 May 30, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse, Justices.

----------X

Kathryn Grace Jordan,

Plaintiff-Appellant,

-against-

M-2316
Index No. 103326/12

Townhouse Company, LLC, 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 28, 2012,

And an order of this Court having been entered on May 28, 2013 (M-1164/M-1859), inter alia, granting defendants-respondents' motion to dismiss the aforesaid appeal, and denying plaintiff-appellant's cross motion for a certain judgment against defendants and for sanctions and costs,

And plaintiff-appellant pro se having moved substantially for the same relief,

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

It is ordered that the motion is 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 May 30, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse, Justices.

----------X
Mark Robert Gordon,
Plaintiff-Appellant,

-against-

M-1301
Index No. 111265/05

Chubb Group of Insurance Company,
et al.,
Defendants-Respondents.
----------X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 24, 2009, and said appeal having been perfected,

And defendants having moved for an order dismissing plaintiff's appeal or, in the alternative, compelling plaintiff to comply with this Court's order entered on December 27, 2012 (M-4115) and directing plaintiff to serve and file a second supplemental record on appeal to include certain previously omitted documents, and adjourning 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 plaintiff to serve and file a second supplemental record on appeal to include the judgment roll within 30 days of the date hereof and permitting defendants to serve and file a supplemental record on appeal to include defendants' missing trial exhibits and any other record documents, if so advised, with costs to abide the event. So much of the motion which seeks dismissal of the appeal is denied, and the appeal is adjourned 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 May 30, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

----------X
In the Matter of the Application of
Sammy Alston,
Petitioner,

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

M-1858
Index No. 401150/12

-against-

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

Respondent having moved for dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 13, 2012, as untimely taken (CPLR 5513[a]),

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 May 30, 2013.

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

----------X

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

Brianna J. B.,
Cassandra Aaliyah J. B.,
Jennifer Elizabeth W.,
Vincent Taylor W., and
Gina Maritza S.,

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

- - - - - - - - - - - - -

Episcopal Social Services, et al.,
Petitioners-Respondents,

Lisa S., also known as Lisa V.,
Respondent-Appellant.

- - - - - - - - - -

Colleen Samuels, Esq.,
Attorney for the Children
Brianna J. B., Cassandra
Aaliyah J. B. and Gina Maritza S.,

Garline Octobre, Esq.,
Attorney for the Children Jennifer
Elizabeth W. and Vincent Taylor W.

----------X

M-2071
Docket Nos. B-33922/10
B-33923/10
B-33925/10
B-33926/10
B-45099/10

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from five orders of the Family Court, New York County, entered on or about February 15, 2013, 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, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 917-378-0176, 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[1] **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

[1]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 May 30, 2013.

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

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

Marelyn Dalys C.-G.,

A Child Under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act.
- - - - - - - - - - - - - - - - -
Administration for Children's Services,
Petitioners-Respondents,

M-2140
Docket No. NA-18284/12

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

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding and Disposition of the Family Court, Bronx County, entered on or about January 10, 2013, 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[1] **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

[1]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 May 30, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

Respondent,

-against-

M-787
Ind. No. 12293/90

Terrance Ingram, also known as
Terrance C. Rollins,

Defendant-Appellant.
----------X

Defendant-appellant, pro se, having moved in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief, with respect to a judgment of the Supreme Court, New York County, rendered on or about January 3, 1991,

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 May 30, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

----------X

In the Matter of the Application of
Jewish Association for Services for
the Aged, Community Guardian Program,
as Guardian for Sol Rodriguez,
Petitioner-Appellant,

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

M-2158
Index No. 400591/12

-against-

John B. Rhea, as Chairperson and Member
of the New York City Housing Authority
and the New York City Housing Authority,
Respondents-Respondents.

----------X

Respondents having moved for dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 31, 2013, 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 unless the appeal is perfected for 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 May 30, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

----------X
Paula Gerard, et al.,
Plaintiffs-Respondents,

-against-

M-2280
Index No. 101150/10

Clermont York Associates LLC,
Defendant-Appellant.
----------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 August 9, 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 May 30, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

----------X
Carol Stillman, etc.,
Plaintiff-Respondent,

-against-

M-2282
Index No. 603557/09

Clermont York Associates LLC,
Defendant-Appellant.
----------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 August 9, 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 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 May 30, 2013.

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

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

Respondent,

-against-

M-1406
Ind. No. 2908/90

Eladio Lantigua,

Defendant-Appellant.
----------x

Defendant-appellant, through retained counsel, 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 28, 2012, and for related relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 May 30, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

----------X

Carnegie Associates, Ltd.,

Plaintiff-Appellant,

-against-

M-2511
Index No. 603113/09

United National Funding LLC,
et al.,

Defendants-Respondents.

----------X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 12, 2012 (mot. seq. nos. 003, 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 May 30, 2013.

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

----------X

Gordon Group Investments, LLC,
Plaintiff-Appellant-Respondent,

-against-

M-2285
Index No. 650795/09

Michael "Jack" Kugler, et al.,
Defendants-Respondents,

-and-

Alexander Vik, et al.,
Defendants-Respondents-Appellants.

----------X

An appeal and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about July 27, 2012

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect the appeal from the aforesaid order of the Supreme Court, New York County, entered on or about July 27, 2012 (mot. seq. nos. 009-013),

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 appeals to the November 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 May 30, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

----------X
Carlos Torres,
Plaintiff-Respondent,

-against-

M-2193
Index No. 306975/09

Visto Realty Corp.,
Defendants-Appellants.
----------X
(And a Third-Party Action)
----------X

Defendant/third-party plaintiff-appellant Visto Realty Corp. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 6, 2012, and said appeal being decided May 28, 2013 (Appeal No. 10233),

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 May 30, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

----------X

Yoseph Yahudaii,
Plaintiff-Appellant,

-against-

M-1742
Index No. 103449/08

Nourallah Baroukhain, et al.,
Defendants-Respondents.

----------X

Defendant-respondent, pro se, Nourallah Baroukhain having moved to stay plaintiff from commencing certain proceedings, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 5, 2012, and for other relief,

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

It is ordered that the motion is denied.

ENTER:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

----------X

In the Matter of the Application of
Luis Jimenez,
Petitioner,

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

M-1271
Index No. 400351/11

-against-

H.P.D. Section 8,
Respondent,

Riverside Park Community,
Non-Party Landlord.

----------X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by an order of the Supreme Court, New York County, entered on or about June 13, 2011, to review a determination of respondent,

And non-party landlord having moved to add itself as a co-respondent, to vacate the stay of a certain underlying non-payment proceeding in the Civil Court of the City of New York, Housing Part, New York County, L&T Index No. 65572/10, and for other relief,

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

It is ordered that, sua sponte, the proceeding is dismissed and the motion is granted accordingly, to the extent of vacating the stay of eviction granted by an order of this Court entered on January 5, 2012 (M-5107) and otherwise denied, as academic.

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 May 30, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

----------x

National Union Fire Insurance Company of Pittsburgh, PA,
Plaintiff-Respondent,

-against-

M-1573
M-1600
Index No. 651954/11

Turner Construction Company,
Defendant-Appellant,

Permasteelisa North American Corporation,
Defendant-Appellant,

GSJC 30 Hudson Urban Renewal, LLC,
Defendant.

----------x

Separate appeals having been taken to this Court by the respective defendants from the order of the Supreme Court, New York County, entered on or about June 19, 2012 (mot. seq. no. 002),

And defendant-appellant Permasteelisa North American Corporation (M-1573) and defendant-appellant Turner Construction Company (M-1600) having separately moved for an enlargement of time to perfect their respective appeals,

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

It is ordered that the motion is granted and the aforesaid appeals are consolidated to the extent of permitting the respective appellants to file nine copies of one record and to file separate appellate briefs and enlarging the time to perfect the respective appeals 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 May 30, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

----------X

In the Matter of the Application of

Ira J. Benlevi,
Petitioner,

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

M-2054
Index No. 104069/09

-against-

New York City Department of Buildings,
Respondent.

----------X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 14, 2011, to review a determination of respondent,

And, respondent having moved to dismiss the proceeding 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 proceeding is dismissed. The stay granted by an order of a Justice of the Supreme Court, New York County, dated April 28, 2009 is 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 May 30, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

----------x
Greenfield Stein & Senior, LLP, etc.,

Plaintiff-Respondent,

-against-

M-2174
Index No. 107934/11

Sandra Holley-Angé, etc.,

Defendant-Appellant.
----------x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 30, 2013 (mot. seq. no. 002),

And plaintiff-respondent having moved for dismissal of that portion of defendant's appeal which seeks to appeal the denial of defendant's motion to reargue the decision and order of the same Court dated June 18, 2012,

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

It is ordered that the motion is granted to the extent of dismissing so much of the aforesaid appeal as is taken from that portion of the aforesaid order entered on or about January 30, 2013 as denied reargument with respect to the aforesaid order dated June 18, 2012.

ENTER:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 30, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

----------X

In the Matter of a Proceeding for Visitation Under Article 6 of the Family Court Act.

- M-2124

Liza P., Docket No. V-20848/11

Petitioner-Respondent,

-against-

Kevin P.,

Respondent-Appellant.

----------X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, Bronx County, entered on or about February 29, 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 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 May 30, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

M-1996
Ind. No. 1563/98

Donald Allen,
Defendant-Appellant.
----------X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 17, 2005,

And an order of this Court having been entered on July 27, 2006 (M-3258) deeming the aforesaid appeal withdrawn,

And defendant-appellant, pro se, having moved to reinstate the aforesaid appeal, and for related relief,

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

It is ordered that the motion is 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 May 30, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Darcel D. Clark, Justices.

----------X

M&T Bank Successor by Merger to
Manufacturers and Traders Trust Company,
Plaintiff-Respondent,

-against-

M-2385
Index No. 810114/11

Paul Eaton, Pushpa Chauhan,
Defendants-Appellants,

New York City Transit Adjudication Bureau,
Board of Managers of 200 Riverside
Boulevard at Trump Place Condominium,
"John Doe #1-50," and "Mary Roe #1-50"
etc., et al.,
Defendants.

----------X

Defendants-appellants having moved for an order staying all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 11, 2013,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated April 26, 2013, is hereby 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 May 30, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

----------X
Sandra Petretta and Patrick Petretta,
Plaintiffs-Appellants,

M-1637
-against Index No. 115489/08

Nobu Restaurant, et al.,
Defendants-Respondents.
----------X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 2, 2012 (mot. seq. no. 004), 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 May 30, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

----------X

In the Matter of the Application of
Felisha R. Perry,
Petitioner-Appellant,

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

M-1800
Index No. 402592/11

-against-

New York City Housing Authority,
Respondent-Respondent.

----------X

Respondent having moved for dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 25, 2013, as untimely taken (CLPR 5513[a]),

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 May 30, 2013.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Darcel D. Clark, Justices.

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

-against-

Jason Morales,
Defendant-Appellant.
----------X

M-1929
Ind. Nos. 872/09
1173/10
Docket No. 2366C/11

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 25, 2013, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 May 30, 2013.

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

----------X

DLJ Mortgage Capital, Inc.,
Plaintiff-Respondent,

-against-

M-852
Index No. 104675/10

Thomas Kontogiannis, et al.,
Defendants,

Chicago Title Insurance Company, Inc., et al.,
Defendants-Appellants.

----------X

Plaintiff-respondent 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 January 15, 2012 (Appeal No. 9007),

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, insofar as it seeks reargument, is denied, and it is further

Ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

> "Was the order of this Court, which reversed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:

CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

----------X

The People of the State of New York,

-against-

Enrique Lebron,

Defendant.

----------X

M-1692
Ind. No. 2574/97

CERTIFICATE
DENYING LEAVE

I, Peter Tom, 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 January 15, 2013 is hereby denied.

Hon. Peter Tom
Associate Justice

Dated: May 2, 2013
New York, New York

ENTERED MAY 30 2013

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

----------X

The People of the State of New York,

M-2012
Ind. No. 1445/92
1076/92

-against-

CERTIFICATE
DENYING LEAVE

Johnny Hartwell

Defendant.

----------X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed 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 that 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 October 5, 2012, is hereby denied.

Hon. Karla Moskowitz
Associate Justice

Dated: April 24, 2013
New York, New York

ENTERED: MAY 30 2013