

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 November 7, 2013.

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

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

-against-

M-4759
Ind. No. 4086/79

Melvin Butler,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, rendered on or about April 18, 2012, denying **resentence**,

Now, upon reading and filing the stipulation of the parties hereto, dated September 12, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 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-4760
Ind. No. 2803/11

Jason Peniston,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 4, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated September 10, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 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-4761
Ind. Nos. 2920/10
6197/09

Jose Rodriguez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 9, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated September 16, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 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-4782
Ind. No. 594/09

Peter Soto,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 13, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated September 11, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 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,
Appellant,

-against-

M-4972
Ind. No. 3961/11

Duan Jones,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 26, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated September 25, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

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

-against-

M-4973
Ind. No. 4256/11

Raymond Bird,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated September 27, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

-----X
Gina Labady, et al.,
Plaintiffs-Respondents,

-against-

M-5001X
Index No. 151882/12

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

Marathon Taxi Inc., and Ali Agag,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 13, 2013,

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

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

ENTER:



CLERK

CORRECTED ORDER – November 22, 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 November 7, 2013.

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

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

-against-

Bernard Brown,
Defendant-Appellant.

M-5082
Ind. Nos. 475-77/00
482-84/00
4232/00

-----X

An appeal having been taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 17, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated October 1, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

-----X
Lancelot Brown,
Plaintiff-Appellant,

-against-

M-4945
Index No. 104332/12

The Metropolitan Transit Authority,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 26, 2013 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated September 24, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

-----X
Margaret Dennis, et al.,
Plaintiffs-Respondents,

-against-

M-4737
Index No. 303317/09

Devon Daley and Imogene Daley,
Defendants-Appellants,

Beverly D. Pusey,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 13, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated August 21, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

-----X

Fayton Hollington,
Plaintiff-Respondent,

-against-

M-4821
Index No. 800116/11

Purshotam L. Nagwani, M.D. and Jose
Figueiro, M.D.,
Defendants,

David Serur, M.D., et al.,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated September 20, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

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

-against-

M-4739
Case No. 4971C/05

Demoyne Anderson,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 16, 2010,

And defendant-appellant having moved to withdraw the appeal as moot,

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

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

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

-against-

M-4631
Ind. No. 1070/11

Rumaldo De La Cruz,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 3, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files reproduced 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 November 7, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Kyle Jiggets,
Plaintiff-Appellant,

-against-

M-4757
Index No. 401084/13

New York City Department of
Citywide Administrative Services,
et al.,
Defendants-Respondents.

-----X

Plaintiff, pro se, having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 9, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that 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 November 7, 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-

Jorge Barrios,
Defendant-Appellant.

M-4728
Ind. No. 3629/09
Case No. 56617C/09

-----X

An order of this Court having been entered on June 27, 2013 (M-2000), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 28, 2013, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Stephane Cosman Connery and Micheline
Connery,
Plaintiffs-Respondents,

-against-

M-4693
Index No. 401336/05

Burton S. Sultan,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about December 3, 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 February 2014 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 November 7, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

Ghulam Qadar, et al.,
Defendants-Respondents.

M-4719
Index No. 107610/10

-----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 March 2014 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 November 7, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justice.

-----X
Lisa J. Weksler, etc.,
Plaintiff-Respondent,

-against-

M-4802
Index No. 603288/07

Joseph Weksler, etc., et al.,
Defendants-Appellants,

Mitchell D. Hollander, Esq.,
et al.,
Defendants.

-----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 (mot. seq. no. 015),

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 April 2014 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 November 7, 2013.

Present - Hon. Luis A. Gonzalez,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Darcel D. Clark,

Presiding Justice,

Justices.

-----X
In the Matter of the Application of
Gregory Dancil,
Plaintiff,

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

M-4750
M-5234
Index No. 102261/12

-against-

New York City Housing Authority,
etc.,

Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 22, 2013,

And respondent having moved for dismissal of the aforesaid proceeding (M-4750),

And petitioner having cross-moved for an enlargement of time to perfect the proceeding (M-5234),

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

It is ordered that the motion to the dismiss the proceeding (M-4750) is granted unless the proceeding is perfected for the March 2014 Term. The cross motion (M-5234) is granted to the extent of enlarging the time to perfect the proceeding to said March 2014 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 November 7, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
The People of the State of New York
ex rel. Brandi Simmons,
Petitioner,

-against-

M-4361
Ind. No. 4031/11

Louis Rivera, Warden, New York City
Department of Corrections,
Respondent(s).

-----X

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

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

It is ordered that the application is denied and the petition is dismissed, 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 November 7, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Deanna Adler and Robert W. Adler,
Plaintiffs-Respondents,

-against-

M-4827
Index No. 104023/10

RDR International Ltd., doing business
as Roget Resca Salon,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 8, 2013 (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 April 2014 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 November 7, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

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

-against-

Dennis Watkins,
Defendant-Appellant.

M-4518
Ind. Nos. 3991/10
5135/11

-----X

Defendant-appellant having moved to be admitted to bail pending hearing and determination of the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 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 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 November 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

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

Theresa B.,
Petitioner,

-against-

M-4322
Docket No. V-10085-08/13C

Karl S.,
Respondent.

Craig S. Marshall, Esq., The Children's
Law Center,
Attorney for the Child Ashley S.
-Appellant.
-----x

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about August 8, 2013 which, inter alia, ceded jurisdiction under the UCCJEA to the Pennsylvania Court and dismissing the petition without prejudice,

And attorney for the child, The Children's Law Center by Craig S. Marshall, Esq., having moved for a stay of the order 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 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 November 7, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
George Aprile,
Plaintiff-Appellant,

-against-

M-4732
Index No. 652726/13

Men of Invention LLC, doing business as
Silver Lining, 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 13, 2013,

And plaintiff-appellant having moved to enjoin defendants-respondents from selling, destroying or removing any furniture, fixtures and equipment from a certain bar restaurant located in the basement level of 75 Murray Street, 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 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 November 7, 2013.

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

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

-against-

M-4969
M-5002
Index No. 652316/12

Howard Kaplan, Michelle Rice and
Kaplan Rice LLP,
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 December 4, 2012 (mot. seq. no. 004), and said appeal having been perfected,

And defendants-respondents having moved for dismissal of the appeal or to dismiss the appeal as to plaintiff Arkin Kaplan Rice LLP or, in the alternative, for an order granting defendants-respondents leave to submit a supplemental record (M-4969),

And defendants-respondents having moved, by separate motion, for an extension of time to file a respondents' brief,

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 (M-4969) to dismiss the appeal or to dismiss the appeal as to plaintiff Arkin Kaplan Rice LLP is denied, without prejudice to advancing argument directly on appeal. The motion, to the extent it seeks leave to submit a supplemental record, is denied. The motion (M-5002) for an extension of time to file a respondents' brief is granted to the extent of adjourning the appeal to the March 2014 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 November 7, 2013.

Present - Hon. Peter Tom,
Richard T. Andrias
David Friedman
Helen E. Freedman
Darcel D. Clark,

Justice Presiding,

Justices.

-----x
Bhavya Shah,
Plaintiff-Appellant,

M-5058

-against-

Index No. 107113/11

RBC Capital Markets LLC, et al.,
Defendants-Respondents.

Bhavya Shah,
Plaintiff-Appellant,

-against-

Index No. 151482/13

RBC Capital Markets LLC, et al.,
Defendants-Respondents.

-----x

Separate appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about May 9, 2013 (mot. seq. no. 005) (Index No. 107113/11), and from the order of said Court entered on or about June 11, 2013 (mot. seq. no. 006) (Index No. 151482/13), respectively, and said appeals having been perfected,

And plaintiff-appellant having moved for an order scheduling both appeals to be heard on the same day, and to stay the consolidated Supreme Court actions pending under Index No. 107113/11,

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 Clerk of this Court to calendar the appeals for hearing together, and continuing the interim relief granted by the order of a Justice of this Court dated October 4, 2013 pending hearing and determination of the appeals, and extending same to both actions (Ind. Nos. 107113/11 and 151482/13).

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 November 7, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Judith J. Gische, Justices.

-----X
Dane Clayton,
Plaintiff-Appellant,

-against-

M-4634
Index No. 402470/12

New York City Taxi & Limousine
Commission, et al.,
Defendants-Respondents.
-----X

Plaintiff, pro se, having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 6, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 9 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 November 7, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

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

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

The City of New York,
Respondent-Respondent.
-----X

M-4947

Index No. 108600/11

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about December 20, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2014 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellant within 10 days after the date of entry hereof.

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 November 7, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Paul G. Feinman, Justices.

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

-against-

M-4502
Ind. No. 4810/11

Nevzet Ahmemulic,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 15, 2012,

And retained counsel, Glenn R. Abolafia, Esq., having moved for leave to withdraw as appellant's counsel,

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

It is ordered that the motion is denied, with leave to renew upon proof of service of the motion papers upon defendant.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Johnson Devadas, et al.,
Plaintiffs-Respondents-Appellants/
Plaintiffs-Appellants,

-against-

M-4848
M-5041
Index No. 107637/07

Kevin Niksarli, M.D., et al.,
Defendants-Appellants-Respondents/
Defendants-Respondents.

-----x

An appeal and cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 12, 2011, and the cross appeal having been perfected,

And an appeal having been taken to this Court from the order of said Court entered on or about July 14, 2010 (mot. seq. no. 009),

And plaintiffs having moved for leave to withdraw the appeal from the order entered on or about July 14, 2010, and to withdraw their cross appeal from the order and judgment (one paper) entered on or about August 12, 2011 (M-4848),

And defendants having cross-moved for leave to compel plaintiffs to pay half the costs of the joint appendix, and for related relief (M-5041),

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-4848) is granted, and plaintiffs are permitted to withdraw their appeal from the order entered on or about July 14, 2010 and their cross appeal from the order and judgment entered on or about August 12, 2011. The cross motion (M-5041) is denied, and the parties are directed to proceed on the joint appendix filed on or about February 19, 2013, without prejudice to and with costs to abide the event. Sua sponte, the appeal is adjourned to the January 2014 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 November 7, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Lizabeth Levkoff, also known as Liz
Levkoff,
Plaintiff,

349 Holdings, Inc.,
Plaintiff-Appellant,

M-4872
Index No. 153719/12

-against-

Soho Grand-West Broadway, Inc.,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 26, 2013 (mot. seq. no. 003),

And plaintiff-appellant having moved to stay all proceedings 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 the appeal is perfected on or before December 2, 2013 for the February 2014 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 November 7, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x
The Bank of New York Mellon, formerly
known as The Bank of New York, etc.,
Plaintiffs-Respondents,

-against-

Christopher Sakala,
Defendant-Appellant,

M-4556
Index No. 380865/10

-and-

Mortgage Electronic Registration
Systems, Inc., etc., et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about November 7, 2012,

And defendant-appellant pro se having moved for a stay of enforcement of the order on appeal, for an extension of time to perfect the appeal, and for other relief,

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

It is ordered that the motion is 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 November 7, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Irine, also known as Irine Priscilla,

Plaintiff-Appellant,

-against-

M-4765
Index No. 651870/13

Philip Wu,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 13, 2013,

And plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction pursuant to CPLR 5518 enjoining defendant-respondent from selling the subject premises located at 450 West 20th Street, Apt. 5, New York, NY 10011, pending hearing and determination of the aforesaid appeal, and for other relief,

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

It is ordered that the motion is 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 November 7, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Fenwick-Keats Realty LLC, etc., et al.,
Plaintiffs-Appellants,

-against-

212 East 29 St. LLC, etc.,
Defendant-Respondent.

M-4292
Index No. 111290/11

-----X

Defendant-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 2, 2013 (Appeal No. 10540),

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 November 7, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X
Verina Hixon,
Plaintiff-Appellant,

-against-

12-14 East 64th Owners Corp., et al.,
Defendants-Respondents,

John Doe, etc., et al.,
Defendants.

M-3851
Index No. 100478/10

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 20, 2013 (Appeal No. 10388),

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 November 7, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-4262
Ind. No. 7088/99

Winston Reyes,
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 May 30, 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.

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 November 7, 2013.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4234

Ind. No. 45618C/05

Clarence Evans,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from an order of the Supreme Court, Bronx County, (Tallmer, J.) entered on or about May 29, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court, and otherwise denied as unnecessary.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Tollmer as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 November 7, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Cynthia Thomkins,

Plaintiff-Appellant,

-against-

M-4184

Index No. 400756/13

AlliedBarton Security Services,
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about July 23, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

-----X
Carolyn Rollins,
Petitioner-Appellant,

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

-against-

M-4584
Index No. 402219/11

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 of the Supreme Court, New York County, entered on or about March 26, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

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

-----x
John D. Mastrobattista and Anne Roome,
Plaintiffs-Respondents-Appellants,

-against-

Raquel Moura Borges,
Defendant,

A2B LLC,
Defendant-Appellant-Respondent,

M-4607
Index No. 111452/06

Pier Head Associates, Ltd.,
Defendant-Respondent,

Jacqueline Licalzi, as Executrix of
Luke Licalzi, P.E. and Luke Licalzi
P.E., P.C.,
Defendants-Appellants,

Karl Beitin P.E.,
Defendant-Appellant.

-----x
Separate appeals having been taken to this Court by the afore-named defendants-appellants from the order of the Supreme Court, New York County, entered on or about October 4, 2012 (mot. seq. no. 006), and said appeals having been perfected,

And a cross appeal having been taken by plaintiff from the aforesaid order appealed,

And plaintiffs-respondents-appellants having moved for dismissal of the aforesaid perfected direct appeals,

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

It is ordered that the motion is denied, without prejudice to briefing the argument on the appeal. Sua sponte, the perfected appeals are adjourned to the January 2014 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 November 7, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
Savoy Park Owners, LLC,
Petitioner-Appellant,

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

-against-

M-4459
Index No. 100342/12

Division of Housing and Community
Renewal of the State of New York,
Respondent-Respondent.
-----X

Petitioner-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 May 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 March 2014 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 November 7, 2013.

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

-----X

Katherin Lee Boyce,
Plaintiff-Appellant,

-against-

M-4977

Index No. 350556/03

Charles Boyce,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 14, 2013, and said appeal having been perfected,

And plaintiff-appellant having moved for an order assigning counsel for the subject child, 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 November 7, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Michelle Edelstein,
Plaintiff-Respondent,

-against-

M-4915
Index No. 313371/09

Ronald J. Edelstein,
Defendant-Appellant.

-----x
In the Matter of the Application of

Eleanor Grosz,
Petitioner,

-against-

Index No. 151541/13

Nagle "The Building," Inc.,
Respondent,

-and-

Ronald J. Edelstein,
Judgment Debtor.

-----x

An order of this Court having been entered on October 24, 2013, consolidating the appeals taken to this Court by defendant-appellant from orders of the Supreme Court, New York County, entered on or about January 25, 2013 and May 7, 2013, respectively [Index No. 313371/09] (M-4346),

And defendant-appellant having moved to consolidate his appeal taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 20, 2013 [Index No. 151541/13] with the aforesaid consolidated appeals, and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the aforesaid appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time to perfect the consolidated appeals to the May 2014 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 November 7, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----x

Yili Josifi, also known as Yilli
Josifi,

Plaintiff-Appellant,

-against-

M-4867

Index No. 105903/06

Ping Lam Ng, et al.,

Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about August 24, 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 February 2014 Term, with no further enlargements to be granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----x
Travis D. Griffin,

Plaintiff-Appellant,

-against-

M-4976
Index No. 106369/11

AIG, 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 August 20, 2012 (mot. seq. nos. 001, 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 March 2014 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 November 7, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Judy M. Gilbert,
Petitioner,

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

-against-

M-4555
M-4953
Index No. 403307/11

New York City Housing Authority,
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 January 9, 2013, to review a determination by respondent,

And respondent having moved to dismiss the aforesaid transferred proceeding (M-4555),

And petitioner having cross-moved for an enlargement of time to perfect said proceeding (M-4953),

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

It is ordered that the motion to dismiss the proceeding is granted unless said proceeding is perfected on or before December 2, 2013 for the February 2014 Term (M-4555). The time to perfect the proceeding is enlarged accordingly to said February 2014 Term (M-4953).

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 November 7, 2013.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----x
Alyce Sapp, et al., etc.,

Plaintiffs-Respondents,

-against-

M-5090
Index No. 450677/13

The City of New York, et al.,

Defendants-Appellants.
-----x

An appeal having been taken from the order of Supreme Court, New York County, entered on or about May 15, 2013, and said appeal having been argued,

And plaintiffs-respondents having moved for dismissal 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 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 November 7, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Walter Pantovic,
Plaintiff-Appellant,

-against-

M-4477
Index No. 117471/08

YL Realty, Inc., et al.,
Defendants-Respondents.

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

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 2, 2012 (mot. seq. no. 011),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2014 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 November 7, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Adamou Moumouni,
Plaintiff-Respondent,

-against-

M-4712
Index No. 304214/12

Tappen Park Associates, Inc.,
Bay City Design LLC, Oznico Ltd.
and Michael K. Behar,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 23, 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 March 2014 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 November 7, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
National League for Nursing, Inc.,
Petitioner-Appellant,

-against-

M-4775
Index No. 101128/12

National League for Nursing
Accrediting Commission, Inc.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 6, 2012 (mot. seq. nos. 001, 005),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2014 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 November 7, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

Shazzi T., M-3829
Petitioner-Appellant, Docket No. O-31004/10

-against-

Ernest L. G., also known as Ernest G.,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about March 17, 2011, and said appeal having been perfected,

And assigned counsel for petitioner-appellant having moved for leave to argue the aforesaid appeal without the participation of respondent-respondent, and for related relief,

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

Ordered that the motion is denied, with leave to renew, upon demonstration of diligent efforts to serve motion papers upon respondent, who is on active duty in the military. The appeal is adjourned to the March 2014 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 November 7, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Carl Dushain,
Petitioner,

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

-against-

M-4652
Index No. 403100/11

Cyrus Vance, Jr., District Attorney
of New York County,
Respondent.

-----X

An order of this Court having been entered on June 25, 2013 (M-1747), having denied petitioner's motion for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 8, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

And petitioner, pro se, having moved for reconsideration of the aforesaid order of this Court entered on May 25, 2013 (M-1747), and for related relief,

Now, upon reading and filing the papers with respect to said 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 November 7, 2013.

PRESENT - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3931
Ind. No. 491/12
Case No. 2910C/12

Desean Owens,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 21, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

PRESENT - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3932
Ind. No. 4604/10
Case No. 76895C/10

Desean Owens,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 21, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2013.

PRESENT - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3933
Ind. No. 4602/10
Case No. 76897C/10

Desean Owens,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 21, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Richard T. Andrias
Justice of the Appellate Division

-----X

The People of the State of New York,
Respondent-Appellant,
-against-

V. Reddy Kancharla,

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

Order Granting Bail
Pursuant to
CPL 460.60
M-5430
Ind. No. 5248/08

A certificate of a Justice of this Court (M-5991) having been entered pursuant to CPL 460.20, on December 28, 2012, granting the above named defendant leave to appeal to the Court of Appeals from the decision and order of this Court entered December 27, 2012 (Appeal No. 5708),

And, a certificate of a Justice of this Court (M-650) having been entered pursuant to CPL 460.20, on May 2, 2013, granting the above named respondent leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court entered December 27, 2012 (Appeal No. 5708),

And an order of this Court having been entered July 20, 2010 staying execution of the Judgment of Supreme Court, New York County, rendered on May 26, 2010, and granting defendant bail pending hearing and determination of the appeal therefrom to this

Court, in the amount of \$250,000 surety bond or \$250,000 cash, subject to certain conditions specified therein, as amended by an order of the same Justice entered on April 5, 2011,

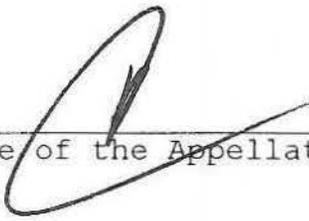
And defendant having applied pursuant to CPL 460.60 for reinstatement of the aforesaid stay and bail upon substantially same terms and conditions, pending hearing and determination of the aforesaid appeals by the Court of Appeals, and for related relief,

Now, upon reading and filing the papers filed in support of said motion, and respondent having no objection to the court continuing defendant's release on bail pending a determination by the Court of Appeals, and taking no position on defendant's request to modify the frequency of defendant's psychiatric visits; and due deliberation having been had thereon,

It is ordered that the application be and the same is hereby granted to the extent that the stay of execution of the aforesaid judgment of Supreme Court, New York County rendered May 26, 2010, and bail granted by the aforesaid order of a Justice of this Court, entered July 20, 2010, as amended by the order entered on April 5, 2011, are reinstated and remain satisfied by the bail previously posted, pending hearing and determination of the aforesaid appeals by the Court of Appeals, upon the same terms and conditions stated therein, except that defendant's physician, Dr. L. Mark Russakoff, shall provide a letter to the Office of

the District Attorney of New York County, quarterly, rather than monthly as previously required, stating whether or not defendant's mental health has substantially changed since the time of the original bail application, and whether defendant's mental health is satisfactory to permit defendant to remain at liberty.

Dated: October 24, 2013
New York, New York



Justice of the Appellate Division

ENTERED: **NOV 07 2013**

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M-4971
Index No. 4974/80

-against-

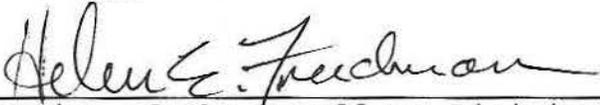
Clifford Jones,

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Defendant.
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named defendant to appeal to the Court of Appeals.


Justice of the Appellate Division

Dated: October 9, 2013
New York, New York

ENTERED: NOV 07 2013

*Description of Order:

Supreme Court, New York County, entered on October 19, 2010.
App. Div. 1st Dept., Appeal No. 9123, Affd August 6, 2013.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. Darcel D. Clark
Associate Justice of the Appellate Division

-----X
150 RFT Varick Corp.,

Petitioner-Appellant

-against-

M-4432
Index No. 100999/2013

New York State Liquor Authority,

Respondent
-----X

Petitioner-appellant having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about July 30, 2013, wherein petitioner's motion to vacate a 10 day order of suspension was denied,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, the Court's decision is as follows:

It is ordered that the motion is granted.



Hon. Darcel D. Clark
Associate Justice

Dated: September 19, 2013
New York, New York

Entered: NOV 07 2013

PM ORDERS

ENTERED ON

NOVEMBER 7, 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 November 7, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

Sabrina Fair and Letitia Dozier,
Plaintiffs-Respondents,

-against-

M-5205
Index No. 308562/08

Consolidated Edison Company of New York and Consolidated Edison, Inc.,
Defendants-Appellants,

-and-

City of New York,
Defendant.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 3, 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 granted on condition the appeal is perfected on or before December 2, 2013 for the February 2014 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 November 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x
Greater New York Taxi Association and
Evgeny "Gene" Freidman,
Petitioners-Respondents,

-against-

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

Nissan Taxi Marketing, N.A., LLC,
et al.,
Intervenor-Respondents-Appellants.

M-5255
M-5257
Index No. 101083/13

-----x
Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 11, 2013,

And intervenor-respondents-appellants, Nissan Taxi Marketing, N.A., LLC, et al. having moved for a stay of the aforesaid order pending hearing and determination of the appeals, and for preference in hearing of the appeals (M-5255),

And respondents-appellants The New York City Taxi and Limousine Commission, et al. having separately moved for the aforesaid relief (M-5257),

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

It is ordered that the motions, to the extent they seek a stay of the order appealed, are denied. The motions, to the extent they seek a preference in hearing of the appeals, are granted to the extent that the Clerk is directed to calendar the appeals for hearing together after January 7, 2014 and on or before January 16, 2014, as indicated in the interim order of a Justice of this Court dated October 17, 2013, in the event the appeals have been perfected on or before November 4, 2013 for the January 2014 Term.

ENTER:


CLERK