

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 October 3, 2013.

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

-----X
Eric Ribner,
Plaintiff-Appellant/
Petitioner-Appellant-Respondent,

-against-

Deborah Ribner,
Defendant-Respondent/
Respondent-Respondent-Appellant.

M-3726X
Index Nos. 350567/05
350074/12

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 26, 2013 (mot. seq. no. 003); and an appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 4, 2013, respectively,

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

It is ordered that the appeals and cross appeal are withdrawn in accordance with the aforesaid stipulation.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 October 3, 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
ex rel. Heather Smith, Esq., on behalf
of Donald O'Toole,
Petitioner-Appellant,

-against-

M-3778
Index No. 400736/13

Dora Schriro, Commissioner, New York
City Department of Corrections,
Respondent-Respondent.
-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about May 2, 2013,

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

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.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 October 3, 2013.

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

-----X
Joyce Strongbow,
Plaintiff-Respondent,

-against-

M-3151
Index No. 15578/06

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

Fordham Grand LLC,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of inquest pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about August 22, 2012, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated June 11, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 October 3, 2013.

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

-----X

Robert Chevola,
Plaintiff-Respondent-Appellant,

-against-

M-3699X

Broadway Park Reit, doing business
as 237 Park Nominee, LLC, et al.,
Defendants,

Index No. 116138/07

Bear Stearns Analytics Corporation,
et al.,
Defendants-Respondents,

Hunter Roberts Construction Group,
LLC, et al.,
Defendants-Respondents-Appellants.

Hunter Roberts Construction Group,
LLC, et al.,
Third-Party Plaintiffs-Respondents
Appellants,

Index No. 590878/08

-against-

Petrocelli Electric, Inc.,
Third-Party Defendant.

Hunter Roberts Construction Group,
LLC, et al.,
Second Third-Party Plaintiffs-
Respondents-Appellants,

-against-

Tri-State Dismantling Corp.,
Second Third-Party Defendant-
Appellant-Respondent,

Index No. 590772/09

Total Safety Consulting,
Second Third-Party Defendant-
Respondent.

[And other actions]

-----X

Separate appeals and a cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 27, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 15, 2013, and due deliberation having been had thereon,

It is ordered that the appeals and 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 October 3, 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-4032
Ind. No. 3169/11
Case No. 50907C/11

Andres Lopez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgments of the Supreme Court, Bronx County, rendered on or about June 27, 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 October 3, 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-4033
Ind. No. 3274/02

Tony Martin,
Defendant-Appellant.

-----X

Defendant 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 May 23, 2013, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for 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 October 3, 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-4034
Ind. No. 4577/12

Hugo Melgurrero,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 18, 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 October 3, 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-4038
Ind. No. 5250N/12

Steven McCormack,
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 July 2, 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 October 3, 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-4039
Ind. No. 5408/12

John Morales,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 18, 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 October 3, 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-4040
Ind. No. 1439/12

Franklin Nunez, also known as
Franklyn Nunez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgments of the Supreme Court, New York County, rendered on or about July 8, 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 October 3, 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-4041
Ind. No. 1249/13

Linda Pernier,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 18, 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 October 3, 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-4042
Ind. Nos. 1321/11
3733/12

Mellody Phillips,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgments of the Supreme Court, Bronx County, rendered on or about July 2, 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 October 3, 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-4043
Ind. No. 737/13

Dwight Smith,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 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 October 3, 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-4044
Ind. No. 713/13

Sandra P. Servat,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 24, 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 October 3, 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-4045
Ind. No. 988/09
Case No. 8278C/09

Kirkland Smith,
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 December 9, 2011, 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 October 3, 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-4046
Ind. No. 954/12

Felix Sicajan,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 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 October 3, 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-4047
Ind. No. 4033/09
Case No. 30885/09

Shaequawn Watson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgments of the Supreme Court, Bronx County, rendered on or about May 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, 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 October 3, 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-4048
Ind. Nos. 3745/12
279/13

Alfred Stewart,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgments of the Supreme Court, Bronx 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.

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 October 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Growbright Enterprises, Inc.,
Plaintiff-Respondent,

-against-

M-4323
Index No. 650596/10

Sam Barski, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, New York County, entered on or about November 7, 2012 (mot. seq. no. 006),

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 October 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Samaad Bishop,
Plaintiff,

-against-

Doyle & Broumand, LLP, et al.,
Defendants,

M-4347
Index No. 251947/11

-and-

Stevenson Commons Associates, L.P.,
et al.,
Defendant.

-----X

Plaintiff Samaad Bishop, in connection with a purported appeal from the order of the Supreme Court, Bronx County, entered on or about April 18, 2013, having moved to file a late notice of appeal, for leave to prosecute same, as a poor person, 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 in its entirety.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

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

-----X
Alexander M. Frame,
Plaintiff,

-against-

Kenneth L. Maynard, et al.,
Defendants.

- - - - -
R.H. Guthrie, et al.,
Cross Claim Plaintiffs/
Respondents-Appellants,

M-3870
M-4133
Index No. 601736/04

-against-

Kenneth L. Maynard, et al.,
Cross Claim Defendants/
Appellants-Respondents.

-----X

Cross-claim plaintiffs-respondents-appellants, R.H. Guthrie and Beatrice Guthrie, 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 June 25, 2013 (Appeal No. 10096) [M-3870],

And defendants-appellants-respondents Kenneth L. Maynard and 5008 Broadway Associates, LLC having moved for reargument of the aforesaid order of this Court entered on June 25, 2013 (Appeal No. 10096) [M-4133],

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

It is ordered that the motions are denied [M-3870/M-4133].

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 October 3, 2013.

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

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

The Bank of New York Mellon, etc.,
et al.,
Petitioners-Respondents,

M-3017
Index No. 651786/11

For an order Pursuant to CPLR § 7701,
seeking judicial instructions and
approval of a proposed settlement.

AIG Entities, et al.,
Non-Party Intervenors-Appellants.

-----x

Non-party intervenors-appellants having moved for a stay of trial herein pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about May 21, 2013,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated June 19, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 October 3, 2013.

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

-----X
Judith Ann Abrams,
Petitioner-Tenant-Appellant,

-against-

4-6-8, LLC, Transrealty Inc., and
Michael King,
Respondents-Landlords-Respondents,

M-3175
M-3329
Index No. 570765/12

-and-

The Department of Housing Preservation
and Development (DHPD),
Respondent.

-----X

Respondents-landlords-respondents having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 28, 2012 (M-3175),

And petitioner-tenant-appellant having cross-moved for the aforesaid relief (M-3329),

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

It is ordered that the motion and cross motion are granted. Appellants shall file two copies of their respective pre-argument statements and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court (M-3175/M-3329).

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 October 3, 2013.

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

-----X

Wolfgang Doerr,
Plaintiff-Respondent,

-against-

Daniel Goldsmith,
Defendant,

M-2618
Index No. 103840/10

-and-

Julie Smith,
Defendant-Appellant.

-----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 April 16, 2013 (Appeal No. 9030),

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, to the extent it seeks reargument, is granted and upon reargument, the decision and order of this Court entered on April 16, 2013 (Appeal No. 9030) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 9030, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 October 3, 2013.

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

-----X
National Financial Partners Corp.,
et al.,
Petitioners-Respondents,

-against-

M-4440
Index No. 651809/12

Steven H. Delott, and Delott Management,
LLC,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 5, 2012,

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

It is ordered that the motion is granted to the extent of 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 October 3, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

-----X

Pablo Balzola, as Administrator of
the Estate of Andriana Porras, etc.,

Plaintiff-Respondent,

-against-

Sharon Giese, M.D., et al.,

Defendants-Appellants.

M-3853
M-3897
Index No. 114205/09

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on June 25, 2013 (Appeal No. 10450) [M-3853],

And plaintiff-respondent having cross-moved for reargument of the aforesaid order of this Court entered on June 25, 2013 (Appeal No. 10450) [M-3897],

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

It is ordered that the motion and cross motion are denied [M-3853/M-3897].

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 October 3, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

In re Kasiem Chaves,
Petitioner-Appellant,

-against-

M-3794
Index No. 251844/08

The Office of the District Attorney,
Bronx County,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 20, 2012 (Appeal No. 7132),

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 October 3, 2013.

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

-----X
Ana Vega,
Plaintiff-Appellant,

-against-

103 Thayer Street, LLC,
Defendant,

The City of New York,
Defendant-Respondent.

M-2952
Index No. 112251/08

-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 2, 2013 (Appeal Nos. 9528-9529),

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 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

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 October 3, 2013.

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

-----X
Lisa Kirchner,

Plaintiffs-Appellant,

-against-

M-3997
M-4077
Index No. 800150/10

Dr. Robert Winegarten, Dr. Jerry Lynn and Sol Stolzenberg, D.M.D., doing business as Toothsavers,

Defendants-Respondents.

-----X

An appeal having been taken from the decision and order of the Supreme Court, New York County, entered on or about March 26, 2013 and from the order of the same Court and Justice entered on or about June 25, 2013, respectively,

And defendant-respondent Sol Stolzenberg, D.M.D., doing business as Toothsavers, having moved to dismiss the appeal from the order entered on or about March 26, 2012 as untimely taken and to dismiss the appeal from the order entered on June 25, 2013 as taken from a non-appealable paper (M-3997),

And defendants-respondents, Dr. Robert Winegarten and Dr. Jerry Lynn, having separately moved for the same relief (M-4077),

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

Ordered that the motions are granted and the appeal is dismissed (M-3997/M-4077).

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 October 3, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----x
In Re Diane Word,

Petitioner,

M-1901

-against-

Hon. Sherry Klein Heitler, etc.,

Respondent.
-----x

An order of this Court having been entered on September 27, 2012 (Appeal No. 8121/[M-3075]), denying and dismissing petitioner's motion for relief in the nature of a Writ of Mandamus, pursuant to Article 78 of the Civil Practice Law and Rules,

And petitioner having moved having moved to reopen and/or for clarification of the aforesaid order of this Court entered on September 27, 2012 (Appeal No. 8121 [M-3075]),

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 October 3, 2013.

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

-----X

In re NYSE Euronext Shareholders/
ICE Litigation

- - - - -
New Jersey Carpenters Fund, et al.,
Plaintiffs-Respondents,

-against-

M-1534
Index No. 654496/12

NYSE Euronext, et al.,
Defendants-Appellants,

Jan-Michael Hessels, et al.,
Defendants.

-----X

Defendants-appellants having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 6, 2013, 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 on condition that the appeal is perfected for the January 2014 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent(s) serve a copy of this order upon appellant(s) 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 October 3, 2013.

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

-----x
Sallie M. Herman,
Plaintiff-Respondent,

-against-

M-3991
Index No. 301234/09

Gerald J. Moore, et al.,
Defendants-Appellants.
-----x

A decision and order of this Court having been entered on May 30, 2013 (Appeal No. 10251), unanimously affirming the order of the Supreme Court, Bronx County (Ben R. Barbato, J.), entered October 17, 2012,

And defendants-appellants having moved for a stay of trial pending hearing and determination of a motion for reargument or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid decision and order of 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 motion is denied, as academic. (See M-3480, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

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

-----X

Sallie M. Herman,

Plaintiff-Respondent,

-against-

Gerald J. Moore, et al.,

Defendants-Appellants.

-----X

M-3480
Index No. 301234/09

Defendants-appellants 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 May 30, 2013 (Appeal No. 10251),

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. (See M-3991, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

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

-----X
Rafaela Maisonet,
Plaintiff-Appellant,

-against-

M-4156
Index No. 304609/08

565 East 169th Street of NY, Inc.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 26, 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 October 3, 2013.

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

-----X
Fernando Roman, Anna Gomez and
Liberty Mutual Insurance Company,
as subrogee of Julia Roman,
Plaintiffs-Respondents,

-against-

M-3849
Index No. 301224/10

Silvia B. Cabrera,
Defendant,

-and-

Frank Lawrence IV,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 4, 2013, and said appeal having been perfected,

And defendant-appellant having moved for leave to preclude plaintiff-respondent Liberty Mutual Insurance Company from participating in 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 adjourning the appeal to the January 2014 Term, with leave to renew the motion subsequent to the conclusion of pending proceedings in Supreme Court in connection with a certain motion for reargument, 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 October 3, 2013.

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

-----X
Avivith Oppenheim and William
Oppenheim,
Plaintiffs-Respondents,

-against-

M-4151
Index No. 602408/06

Mojo-Stumer Associates Architects,
P.C., doing business as Mojo-Stumer
Associates, P.C., Mark Stumer and
Joseph Viscuso,
Defendants-Appellants.

-----X

Defendants-appellants 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 July 25, 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 October 3, 2013.

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

-----X
Andrew Beck, III,
Plaintiff-Appellant,

-against-

M-4130
Index No. 108995/09

Studio Kenji, Ltd., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect his appeal from the order of the Supreme Court, New York County, entered on or about December 27, 2011 (mot. seq. no. 010),

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 October 3, 2013.

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

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

Thomas B., IV,
Petitioner-Respondent,

M-4204
Docket Nos. F-3040-06/06A
F-14747-06/06A

-against-

Lydia D.,
Respondent-Appellant.

-----X
Respondent-appellant, in connection with the appeal from an order of the Family Court, New York County, entered on or about May 14, 2012, having moved for an enlargement of time to perfect said appeal,

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

It is ordered that the motion is 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 October 3, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
In Re: New York City Asbestos Litigation
-----X

George W. Hische, et al.,
Plaintiffs-Respondents,

-against-

M-4191
Index No. 190125/11

Air & Liquid Systems Corporation,
etc., et al.,
Defendants,

Crane Co.,
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 April 23, 2012 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2014 Term. (See M-4192/M-4193/M-4236, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

IN RE: New York City Asbestos Litigation

- - - - -

Arthur Muise, et al.,
Plaintiffs-Respondents,

-against-

Air & Liquid Systems Corporation, as
successor-by-merger to Buffalo Pumps,
et al.,
Defendants,

M-4192
Index No. 190092/11

Crane Co.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 26, 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 April 2014 Term. (See M-4191/M-4193/M-4236, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
In Re: New York City Asbestos Litigation
-----X
Douglas McLaughlin and Sandra Sue,
Plaintiffs-Respondents,

-against-

M-4193
Index No. 190449/10

Air & Liquid Systems Corporation, As
Successor-by-Merger to Buffalo Pumps,
et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X

Defendant-appellant Crane Co. 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 12, 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 April 2014 Term. (See M-4191/M-4192/M-4236, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
In Re: New York City Asbestos Litigation
-----X

Ivo J. Peraica,
Plaintiff-Respondent,

-against-

M-4236
Index No. 190339/11

A.O. Smith Water Products, et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 21, 2012 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2014 Term. (See M-4191/M-4192/M-4193, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

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

-----X
Myron Habib,

Plaintiff-Appellant,

-against-

M-4015
Index No. 108434/09

116 Central Park South Condominium,
et al.,

Defendants-Respondents.
-----X

Plaintiff-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 October 9, 2012 (mot. seq. no. 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 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 October 3, 2013.

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

-----X
Brett Rainer,
Plaintiff-Respondent,

-against-

Gray-Line Development Co., LLC, Gray-Line Development Co., Inc., Macklowe Properties, L.P., Thatch Ripley & Co., Inc. and Gotham Construction Company, LLC,
Defendants-Appellants.

M-4158
M-4485
Index No. 109566/07

-----X
Gray-Line Development Co., LLC, Gray-Line Development Co., Inc., Macklowe Properties, L.P., Thatch Ripley & Co., Inc. and Gotham Construction Company, LLC,
Third-Party Plaintiffs-Appellants,

Third-Party

Index No. 590325/08

-against-

Woodworks Construction Company, Inc.,
Third-Party Defendant.

-----X
Gray-Line Development Co., LLC, Gray-Line Development Co., Inc., Macklowe Properties, L.P., Thatch Ripley & Co., Inc. and Gotham Construction Company, LLC,
Second Third-Party Plaintiffs-Appellants,

Second Third-Party

Index No. 590112/10

-against-

Sorbara Construction Corporation,
Second Third-Party Defendant-Respondent.

-----X

Second third-party plaintiff, Gotham Construction Company, LLC, having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 9, 2012 (mot. seq. no. 003) [M-4158],

And second third-party plaintiff, Gotham Construction Company, LLC, having moved separately for an enlargement of time to perfect the aforesaid appeal [M-4485],

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 to stay the trial is denied [M-4158]. The motion seeking an enlargement of time to perfect the appeal is granted to the extent of enlarging the time to perfect the appeal to the February 2014 Term [M-4485].

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 October 3, 2013.

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

-----X
Francia Rodriguez, as Administratrix
of the Estate of Angel Rodriguex,
Plaintiff-Respondent,

-against-

M-4454

Index No. 25347/97

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

Higraban of N.Y., Inc. and Statbrook
Contracting Company, Inc.,
Defendants-Appellants.

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

An order of this Court having been entered on April 11, 2013 (M-391), consolidating the appeals taken by defendants, Higraban of N.Y., Inc. and Statbrook Contracting Company, Inc., from orders of the Supreme Court, Bronx County, entered on or about April 4, 2012 and October 28, 2012, respectively,

And defendants-appellants having moved for an enlargement of time to perfect the aforesaid consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the 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 October 3, 2013.

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

-----X

In the Matter of
Lillie Leon,
Petitioner-Appellant,

For a Judgment Pursuant to Article 75
and 78 of the Civil Practice Law and Rules,

M-4466
Index No. 108822/11

-against-

The Department of Education of the
City of New York, et al.,
Respondents-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about April 17, 2012, and said appeal having been perfected,

And respondent having moved for leave to file a supplemental appendix containing certain transcripts of an underlying evidentiary hearing and to adjourn the appeal to the January 2014 Term,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated August 28, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted in accordance with the aforesaid stipulation and the appeal is adjourned 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 October 3, 2013.

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

-----X

Michael J. Devereaux,

Plaintiff-Appellant,

-against-

M-4135

Index No. 114428/09

Carolina E. Pascacio,

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 October 16, 2012 (mot. seq. nos. 012, 013),

And plaintiff-appellant having moved for a stay of enforcement of certain portions 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 October 3, 2013.

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

-----X
Thomas G. Issing and Ellen Issing,
Plaintiffs-Appellants,

-against-

M-4214
Index No. 16265/06

Madison Square Garden Center, Inc.,
et al.,
Defendants-Respondents.

-----X
Beck's North American Inc., et al.,
Third-Party Plaintiffs,

-against-

Index No. 590077/08

Madison Square Garden Center, Inc.,
et al.,
Third-Party Defendant.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect their appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 26, 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 October 3, 2013.

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

-----X

In the Matter of the Application of
Hugh F. Bovich, Jr.,
Petitioner-Appellant,

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

-against-

M-4425
Index No. 114254/11

Robert D. Limandri, et al.,
Respondents-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment and order (one paper) of the Supreme Court, New York County, entered on or about June 21, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to 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 October 3, 2013.

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

-----X

In the Matter of the Application of
Nayci Contracting Associates, LLC,
and Mehmet Nayci,
Petitioners,

M-4171
Index No. 106851/10

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

-against-

New York City Department of Consumer
Affairs, and Janet Ricevuto,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 10, 2011,

And petitioners having moved for an enlargement of time to perfect the aforesaid proceeding,

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 to the extent of enlarging the time to perfect the aforesaid proceeding to the March 2014 Term, with leave to seek further enlargements, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

Present - Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

W.W. Glass System, Inc.,
Fourth-Party Plaintiff,

-against-

M-4381
M-4382
Index No. 400575/11

Metal Sales Co., Inc.,
Fourth-Party Defendant-
Appellant-Respondent.

- - - - -

Metal Sales Co., Inc.,
Second Fourth-Party Plaintiff-
Appellant-Respondent,

-against-

Index No. 590507/07

T.A. Ahern Contractors Corp.,
et al.,
Second Fourth-Party Defendants-
Respondents-Appellants.

- - - - -

(And another action)

-----X

An appeal having been taken by fourth-party defendant/
second fourth-party plaintiff, Metal Sales, Co., Inc., from the
order of the Supreme Court, New York County, entered on or about
July 10, 2012 (mot. seq. no. 003),

And a cross appeal having been taken by second fourth-
party defendant, T.A. Ahern Contractors Corp., from the aforesaid
order,

And second fourth-party defendant, T.A. Ahern Contractors
Corp., having moved for an enlargement of time to perfect their
cross appeal (M-4381),

And fourth-party defendant/second forth-party plaintiff, Metal Sales, Co., Inc. having cross-moved for an enlargement of time to perfect its direct appeal from the aforesaid order (M-4382),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the appeal and cross 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 October 3, 2013.

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

-----X
Leonardi International Corporation,

Plaintiff-Appellant,

-against-

M-3301
Index No. 104796/09

Altamar Brands, LLC, etc.,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on May 30, 2013 (Appeal No. 10239-10293A),

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 October 3, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
In the Matter of the Application of
Margaret L. Donovan, The Twin
Towers Alliance,
Petitioner,

-against-

M-4125
Index No. 111865/11

Judge Warren P. Hauben, etc.,
Respondent.
-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 24, 2012 (mot. seq. no. 002),

And an order of this Court having been entered on July 9, 2013 (M-2290), denying petitioner's motion for an enlargement of time to perfect the aforesaid appeal and, sua sponte, dismissing the appeal,

And petitioner having moved for clarification and/or reconsideration of the order of this Court entered on July 9, 2013 (M-2290),

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 October 3, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3248

Ind. No. 10342/91

Leonard Williams,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 28, 2011,

And defendant having moved for an order discontinuing 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 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 October 3, 2013.

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

-----x
Rebecca Solomon,

Plaintiff-Respondent,

-against-

M-3382
Index No. 302569/12

Dean Solomon,

Defendant-Appellant.
-----x

Defendant-appellant having moved for a stay of all custody proceedings, including trial, pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about March 27, 2013 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated July 3, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 October 3, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3568

Ind. No. 7685/00

Mitchell Texidor,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Michael J. Obus, J.) entered on or about June 25, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which 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.

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 Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 October 3, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3572

Ind. No. 1816/08

Horacio Blackwood,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Bonnie Wittner, J.) entered on or about May 30, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which 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.

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 Wittner as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 October 3, 2013.

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

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

-against-

M-3609

Ind. No. 5534/07

Richard Kelley,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 21, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 October 3, 2013.

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

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

-against-

Donald McIntosh,
Defendant-Appellant.

M-3611
Ind. Nos. 996/13
951/13

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 14, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 3, 2013.

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

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

-against-

M-3683

Ind. No. 917/00

Nicholas Simpson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about May 24, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to show the merit of contentions, as well as a statement detailing 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 October 3, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Skyla Lanie B.,

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

M-3745

Docket No. B-4789/12

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

Jonathan Miranda B.,
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 the Family Court, Bronx County, entered on or about May 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, 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 therefor¹ **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

¹Service 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 October 3, 2013.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-3526

Ind. No. 2262/11

Darren Nemelc,

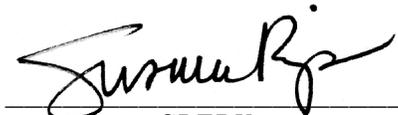
Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 22, 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 is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$100,000 bail in the Supreme Court, and the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

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

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

-against-

M-3276
Ind. No. 1467/08

Franklyn Gonzalez,
Defendant-Appellant.

-----X

A judgment of the Supreme Court, New York County (Ronald A. Zweibel, J.), having been rendered on November 26, 2008,

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

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 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-3403
Ind. No. 385/09

Rashaan Davis,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 13, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 October 3, 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-3606
Ind. No. 1127/13

Tyrisse Blackman,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 13, 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 to the extent of deeming the notice of appeal timely filed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2013.

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

-----X
In Re: Empire State Realty Trust, Inc.,
Investor Litigation,

Mary Jane Fales, et al.,
Objectors-Appellants,

M-4553
Index No. 650607/12.

Estate of Leona Helmsley,
Defendant-Respondent,

Malkin Holdings Group, et al.,
Defendants-Respondents.

-----X

Defendants-respondents Malkin Holdings Group, et al., having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about April 30, 2013, or in the alternative to supplement the record on appeal, and related relief, said appeal having been perfected,

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

It is ordered that the motion to dismiss the appeal is denied without prejudice to addressing the issue directly on appeal. Defendants-respondents are directed to file a supplement record on appeal in the form attached as Exhibit B to the affirmation of Thomas E.L. Dewey, Esq. submitted in support of the motion, forthwith.

ENTER:


CLERK

PM ORDERS

ENTERED ON

OCTOBER 3, 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 October 3, 2013.

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

-----X
CF HY LLC,
Plaintiff-Respondent,

-against-

M-4525
Index No. 601579/08

Hudson Yards LLC, et al.,
Defendants,

Baruch Singer,
Defendant-Appellant.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about August 1, 2012, and from the order of said Court entered on or about November 19, 2012, respectively, and said appeals having been perfected,

An order an order of this Court having been entered on June 18, 2013 (M-2802/M-2803/M-2869), inter alia, consolidating the aforesaid appeals and enlarging the time to perfect the consolidated appeals to the November 2013 Term, and granting dismissal of same unless they are perfected for said November 2013 Term,

And defendant-appellant having moved for an order compelling plaintiff-respondent to file a "corrected" appellate record, 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 October 3, 2013.

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

-----X

Orchard Hotel, LLC,
Plaintiff-Appellant,

-against-

M-4601
Index No. 850044/11

D.A.B. Group, LLC,
Defendant-Respondent,

Brooklyn Federal Savings Bank and
State Bank of Texas,
Defendants-Appellants,

Orchard Construction, LLC, et al.,
Defendants.

-----X

Plaintiff-appellant Orchard Hotel, LLC having moved for a preference in the hearing of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 28, 2013 (mot. seq. no. 10), said appeal having been perfected,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the December 2013 Term, with no further adjournments to be granted, 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 October 3, 2013.

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

-----X

Marcia Francis,

Plaintiff-Appellant,

-against-

M-4650

Index No. 12458/11

Gladstone A. Francis,

Defendant-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 19, 2012, and said appeal having been perfected,

An order of this Court having been entered on August 20, 2013 (M-3410), denying plaintiff-appellant motion for a stay of trial pending hearing and determination of the aforesaid appeal,

And plaintiff-appellant having moved for preference in hearing of the appeal, for reconsideration of the motion entered on August 10, 2013 (M-3410), 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