

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 15, 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-3966  
Ind. No. 266/11

Luis Garcia,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 11, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated February 19, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 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-4060  
Ind. No. 3727/11

Patricia Weir,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 8, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated February 19, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 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-3972  
Ind. No. 1313/04

Rodney Lesane,  
Defendant-Appellant.  
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated June 26, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 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-3970  
Ind. No. 985/04

Rodney Lesane,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 10, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated June 26, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X

Charles Boyce,

Plaintiff-Appellant,

-against-

M-3937X

Index No. 650210/09

Edward J. Willner, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 29, 2013 (mot. seq. nos. 029-032),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 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-4543  
Ind. No. 3305/12

Edgar Garcia,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 29, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated September 4, 2013, and due deliberation having been had thereon,

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

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 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-3969  
Ind. No. 3822/10

Terence Folk,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 10, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated July 23, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X  
In the Matter of

Jacob L.-M.,

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

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

M-4560  
Docket No. NN-21802/09

Mercedes L.,  
Respondent-Appellant.

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

-----X

An appeal having been taken from the Order of Fact-Find of the Family Court, Bronx County, entered on or about October 19, 2012, and the Order of Disposition of said Court entered on or about February 8, 2013, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated August 28, 2013, and due deliberation having been had thereon,

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

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X  
Accounting of the Public Administrator  
of New York County, as Administrator of  
the Goods, Chattels and Credits of

Kathleen Durst,  
Absentee.

M-4427  
File No. 1982-5053A

Application to withdraw funds deposited  
with the Commissioner of Finance of the  
City of New York and now on deposit with  
the State Comptroller.

-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about June 14, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 23, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK





At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X  
Pamela Wolfe,  
Plaintiff-Respondent,

-against-

M-3948  
Index No. 105807/10

Champion Parking 77<sup>th</sup> St. Corp.  
Defendant-Appellant,

Gallery Partners, LLC,  
Defendant.

-----X

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

And defendant-appellant having moved for an order deeming the aforesaid appeal withdrawn,

Now, upon reading and filing the motion and due deliberation having been had thereon,

It is ordered that 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 15, 2013.

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

-----X  
Frances C. Peters,  
Plaintiff-Appellant,

-against-

M-4441  
Index No. 600456/04

George Christy Peters, 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 November 23, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 15, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
General Motors Acceptance Corporation  
and American Automobile Insurance  
Company,  
Plaintiffs-Respondents,

-against-

M-4692  
Index No. 109668/06

New York Central Mutual Fire  
Insurance Company,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 19, 2013,

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

It is ordered that the motion is denied.

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 15, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-3632  
Ind. No. 2450/08

Beneto Gumbs,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on June 20, 2013 (Appeal No. 10405),

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 15, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3493

Ind. No. 5908/97

Alfatah Stewart, also known as Al-Fatah  
Stewart,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on June 25, 2002 (Appeal Nos. 1449-1449A),

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 15, 2013.

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

-----X  
Zalaya Tart, an Infant by her Mother  
and Natural Guardian, Kia Bynoe, and  
Kia Bynoe, Individually,  
Plaintiffs-Respondents,

-against-

M-4505  
Index No. 301311/07

New York Bronx Pediatric Medicine, P.C.,  
Ronald Arevalo, M.D.,  
Defendants-Appellants,

Anthony Njapa, M.D., et al.,  
Defendants.

-----X

Separate appeals having been taken by New York Bronx Pediatric Medicine, P.C., et al. and St. Barnabas Hospital, respectively, from an order of the Supreme Court, Bronx County, entered on or about July 17, 2012, and separate appeals having been taken by the aforesaid defendants from a judgment of the Supreme Court, Bronx County, entered on or about August 30, 2012 (denominated as "Revised Counter Judgment"),

And an order of this Court having been entered on June 20, 2013 (M-2576) having deemed the appeals taken from the order entered July 17, 2012 to have been subsumed in the appeals from the aforesaid judgment entered on or about August 30, 2012, consolidating same, and enlarging the time to perfect same to the November 2013 Term,

And defendants-appellants having moved for a further 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 appeals to the March 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 15, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-1660  
Ind. No. 9207/95

Henry Espinal,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 29, 1999 (Appeal No. 1667), unanimously affirming a judgment of the Supreme Court, New York County (Ira Beal, J.), rendered on May 30, 1996, and an order of said Court entered on or about October 29, 1996,

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 appellate 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 15, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----x

Won J. Moon,  
Plaintiff-Appellant,

-against-

M-3949  
Index No. 302589/09

Columbus Transit, Inc., LLC, et al.,  
Defendants-Respondents.

-----x

An order of this Court having been entered on June 25, 2013 (M-2313), denying defendants-respondents' motion for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about December 26, 2012, and referring the matter for a traverse hearing to hear and determine with respect to the timeliness of the taking of the appeal, as indicated,

And defendants-respondents having moved for reargument of the order of this Court entered on June 25, 2013 (M-2313),

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. All concur except Gische, J., who dissents and would grant the motion (M-2313) and dismiss the appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X

Sebastian Holdings, Inc.,

Plaintiff-Appellant,

-against-

M-3910

Index No. 603431/08

Deutsche Bank, AG,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 2, 2013 (Appeal No. 10537),

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 15, 2013.

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

-----X  
Ann Chisom,

Plaintiff-Appellant,

-against-

M-3460

Index No. 307442/09

Columbian Mutual Life Insurance Co.,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 27, 2012 (Appeal No. 8922),

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 15, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Jandy Coleson, etc.,

Plaintiff-Appellant,

-against-

M-2967  
Index No. 26826/04

The City of New York, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 9, 2013 (Appeal No. 9686),

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 affirmed the order of the 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 15, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische  
Darcel D. Clark, Justices.

-----X

Marilyn Frank,  
Plaintiff-Appellant,

-against-

Animal Haven, Inc.,  
Defendant-Respondent,

172 East 4<sup>th</sup> Street Tenants Corp.,  
et al.,  
Defendants.

M-3815  
Index No. 108894/09

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 20, 2013 (Appeal No. 10437),

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 15, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
David B. Saxe  
Darcel D. Clark, Justices.

-----X  
In the Matter of a Support Proceeding  
Under Article 6 of the Family Court Act.  
-----

Shaul K.,  
Petitioner-Respondent,

M-4534  
Docket No. F36884/11

-against-

Nehemia K.,  
Respondent-Appellant.

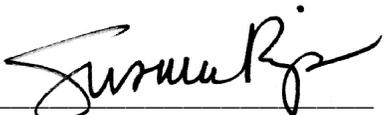
-----X

Respondent-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about April 3, 2012, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied.

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 15, 2013.

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

Justice Presiding,  
  
  
  
Justices.

-----x  
Diana Worthman,  
Plaintiff,

-against-

M-3835

Trocom Construction Corporation,  
et al.,  
Defendants,

Index No. 109419/06

Time Warner Entertainment Company,  
L.P., et al.,  
Defendants-Appellants.

-----  
Time Warner Entertainment Company,  
L.P., et al.,  
Third-Party Plaintiffs-Appellants,

-against-

Index No. 590760/10

Trinity Communications Corp., etc.,  
et al.,  
Third-Party Defendants-Respondents.

-----  
[And a second third-party action]  
-----x

Third-party defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County entered on or about May 21, 2013 (mot. seq. no. 007),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 15, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

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

-against-

M-3961  
Ind. No. 11304/88

Oswaldo Quinones,  
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 (Clott, J.) entered on or about July 24, 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(b) (2) 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 as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

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

-against-

M-4118  
Ind. Nos. 4107/11  
1830/12

Jason Quinones,  
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 4, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

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

-against-

M-4117  
Ind. No. 5128/11

Jason Mariabal, also known as Jason Mariabel,  
Defendant-Appellant.  
-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 13, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

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

-against-

M-4084  
Ind. No. 3451/12

Andrew Jean,  
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 28, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X

Tashena Ampratwum,  
Petitioner-Appellant,

-against-

M-4164  
Index No. 310817/11

Faustina Appiah,  
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about April 26, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X  
In the Matter of the Application of  
Lillie Steedley & Kirk Dodd,  
Petitioners,

For a Judgment Pursuant to Article 78 **M-4507**  
of the Civil Practice Law and Rules, Index No. 402565/12

-against-

New York City Housing Authority,  
Patterson Houses,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 1, 2013,

And respondent having moved to dismiss the aforesaid proceeding,

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 proceeding is granted unless petitioners: (1) pay use and occupancy in the amount of the last legal monthly rent and, on or before the 5<sup>th</sup> of each month, beginning with the 15<sup>th</sup> day of the month following the date hereof, and (2) perfect the proceeding on or before December 30, 2013 for the March 2014 Term. If petitioners fail to comply with either condition or both, respondent may move on notice to dismiss the proceeding.

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 15, 2013.

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

-----X

In the Matter of the Final Account of Julie Stoil Fernandez, Esq., as Guardian of the Property and Co-Guardian of the Person of

**M-3848**

Linda Salvati,

Index No. 500088/02

An Incapacitated Person (now deceased).

- - - - -

Julie Stoil Fernandez,  
Petitioner-Respondent,

-against-

George McCormack, Esq.,  
Objectant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 27, 2013,

And objectant-appellant having moved to stay his time to comply so much of the aforesaid order as directed objectant-appellant to meet a July 26, 2013 deadline to make certain payments,

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 moot, objectant-appellant having complied with certain directives of the aforesaid order of the Supreme Court.

ENTER:

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 15, 2013.

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

-----X  
Barclays Bank Mexico, SA, Institucion  
De Banca Multiple, Grupo Financiero  
BBMEX Mexico,  
Plaintiff-Respondent,

-against-

M-4127  
Index No. 651226/13

URBI Desarrollos Urbanos, S.A.B.  
DE C.V.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 16, 2013,

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

It is ordered that the motion is denied.

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 15, 2013.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

In re *Ciro Dellaporte*,

Petitioner-Appellant,

-against-

New York City Department of Buildings,  
et al.,

Respondents-Respondents.

-----X

M-3027  
M-3238  
Index No. 111622/11

Respondents-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 7, 2013 (Appeal No. 9993) [M-3027],

And petitioner-appellant having cross-moved for the imposition of sanctions against respondents-respondents, and for other relief [3238],

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

It is ordered that the motion is 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.

The cross motion for sanctions 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 15, 2013.

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

-----X  
In the Matter of the Application of  
Masao Yonamine,  
Petitioner-Appellant,

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

-against-

M-4199  
Index No. 108310/11

New York City Police Department, Raymond  
Kelly, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about January 28, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is 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 serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----x  
In the Matter of the Application of  
Mark Landis,

Temporary Guardian of the Property,  
for the Appointment of Guardians  
for:

Lea D., also known as Claire H.,  
also known as Claire D.,

An Alleged Person in Need of a  
Guardian.

M-3830  
Index No. 500155/10

- - - - -  
Marc A. Landis,  
Petitioner-Respondent,

David Debora,  
Cross Petitioner-Appellant,

Lea C. Debora,  
Respondent-Respondent.

-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 12, 2012, and said appeal having been perfected,

And appeals having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 20, 2012, and from orders of said Court entered on or about December 18, 2012 and February 20, 2013, respectively,

And an order of this Court having been entered on July 9, 2013 (M-1545), inter alia, consolidating all the unperfected appeals on condition they are perfected for the November 2013 Term; enlarging the time to perfect the appeal from the order and judgment (one paper) entered on or about July 20, 2012 to said November 2013 Term, directing the Clerk to calendar the unperfected appeals with the perfected appeal for hearing

together on the same day in said November 2013 Term, to which Term the perfected appeal was adjourned, as indicated, and otherwise denying said motion,

And an order of this Court having been entered on October 8, 2013, inter alia, denying the motions by co-guardian/cross petitioner-appellant, David Debora, for leave to strike an affirmation in opposition to the motion made in connection with the order of this Court entered on July 9, 2013 (M-1545) and for leave to seal the records in this proceeding (M-2594), respectively,

And co-guardian/cross petitioner-appellant, David Debora, having moved for clarification of (1) the interim order of a Justice of this Court dated March 15, 2013; (2) the order of this Court entered July 9, 2013 (M-1545), (3) for clarification of whether, during pendency of the consolidated appeals, he may retain Jerry S. Goldman, Esq. and Gerald Geist, Esq., at his own expense but without waiver of his right to seek reimbursement in the future, for the appeals and also for any trial court proceedings with respect to routine guardianship matters; and (4) to correct certain aspects of the order of this Court entered July 9, 2013 (M-1545) with respect to attorney representation of the parties,

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 granted to the extent of clarifying the issue of representation of co-guardian/cross petitioner-appellant, David Debora, to indicate he may retain Jerry S. Goldman, Esq. of Anderson Kill & Olick P.C., and Gerald Geist of Sall & Geist, or other counsel of his own choosing and at his own expense, for purposes of the appeal only, and the motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X  
Elyass Eshaghian and Baruch LLC,  
Plaintiffs-Appellants,

-against-

Asher Roshanzamir,  
Defendant-Respondent.

M-4541  
Index No. 652577/12

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about November 27, 2012 and January 29, 2012 (mot. seq. no. 002) respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals 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 15, 2013.

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

-----X  
Board of Education of the City  
School District of the City of  
New York,  
Petitioner-Appellant,

For a Judgment Pursuant to Pursuant  
to §3020-a(5) of the Education Law  
and Article 75 of the CPLR,

M-4498  
Index No. 405372/07

-against-

Alexis Grullon,  
Respondent-Respondent.

-----X

Petitioner-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 5, 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 January 2014 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

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

-----X  
In the Matter of the Application of  
Omar Macias Reyes,  
Petitioner-Respondent,

For a Judgment pursuant to Article 78  
of the CPLR

-against-

**M-4474**  
Index No. 400290/12

Matthew Wambua, as Commissioner of  
the New York City Department of  
Housing and Preservation and  
Development, and Mutual Redevelopment  
Houses, Inc.,  
Respondents-Appellants.

-----X

Separate appeals having been taken by the respective respondents-appellants from the judgment of the Supreme Court, New York County, entered on or about August 22, 2012,

And an order of this Court having been entered on June 25, 2012 (M-2661), enlarging the time to perfect the aforesaid appeals to the November 2013 Term, and directing respondents-appellants to perfect their appeals upon a joint record and separate appellant's briefs, and consolidating the appeals only to the extent of directing the Clerk to calendar said appeals for hearing together in the November 2013 Term,

And respondents-appellants having moved for an enlargement of time to perfect the 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 time to perfect the consolidated appeals is enlarged 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 15, 2013.

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

-----X  
IN RE: East 51<sup>st</sup> Street Crane Collapse  
Litigation: Index No. 769000/08

Jean Squeri,  
Plaintiff-Appellant,

-against-

M-4080  
Index No. 103802/09

East 51<sup>st</sup> Street Development Co.,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the purported appeal from a "so ordered" transcript of the Supreme Court, New York County, entered on or about June 22, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 15, 2013.

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

-----X

In Re: World Trade Center Bombing  
Litigation:

- - - - -

Susan Esposito,  
Plaintiff-Appellant,

-against-

M-4331  
Index No. 100051/94

The Port Authority of New York  
and New Jersey,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about 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 15, 2013.

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

-----X  
Manhattan Telecommunications,  
Corp.,  
Plaintiff-Appellant,

-against-

Rachel Jackson, Esq.,  
Defendant-Respondent.

M-4335  
Index No. 111319/10

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 18, 2012 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 15, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Ella Reid and Leroy Famous,  
Plaintiffs-Respondents,

-against-

M-4422  
Index No. 7844/07

Real Estate International, Ltd.,  
et al.,  
Defendants,

Frank Giordano, Esq.,  
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, Bronx County, entered on or about March 22, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to 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 15, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
In re H. Kenneth Ranftle, etc.,  
Deceased.

Ronald J. Ranftle,  
Petitioner-Appellant,

M-3951  
File No. 4585/08

J. Craig Leiby,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved 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 July 2, 2013 (Appeal No. 9321),

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

"Was the order of this Court, which affirmed the order of the Surrogate's 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 15, 2013.

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

-----X  
JPMorgan Chase Bank, N.A.,  
Plaintiff-Respondent,

-against-

M-4850  
Index No. 107184/11

Dermott W. Clancy, also known as  
Dermott Clancy, individually and  
doing business as Dermott Clancy  
SP,  
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 November 8, 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 15, 2013.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

Respondent,

-against-

M-3128  
Ind. No. 2962/08

Jason Pagan,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 14, 2011 (Appeal No. 5035), unanimously affirming the judgment of the Supreme Court, New York County (Kahn, J.), rendered on December 19, 2009,

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 appellate 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 15, 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-3608  
Ind. No. 4278/12

Glen Johnson,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 7, 2013, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted 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 ten reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea and sentence or trial, and those of jury selection, if any, recorded subsequent to October 27, 1992. 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, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

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 15, 2013.

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

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

Alani P. G., and  
Demetrius M. G.,

Children Under 18 Years of Age Alleged  
to be Neglected under § 384-b of the  
Social Services Law of the State of  
New York and/or Article 6 of the  
Family Court Act.

- - - - -  
Catholic Guardian Society & Home  
Bureau, et al.,  
Petitioners-Respondents,

M-4306  
Docket Nos. B-3998-9/11

Angelica G., also known as Angela  
G.,  
Respondent-Appellant.

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

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal from orders of the Family Court, New York County, entered on or about October 1, 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 15, 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-3179  
Ind. No. 11/79

Tony Santiago, also known as Miguel  
Velez, also known as Michael-Tony  
Velez,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on April 8, 1982, unanimously affirming a judgment of the Supreme Court, New York County (Dickens, J.), rendered on October 9, 1979,

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 appellate counsel, and for other relief,

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

It is ordered that 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 15, 2013.

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

-----X

K.Y.W. Enterprise Corp.,  
  
Petitioner-Appellant,

-against-

M-3466  
Index No. 570967/12

Tyler Kim,  
  
Respondent-Respondent.

-----X

Petitioner-appellant 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 May 29, 2013,

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

It is ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

PM ORDERS

ENTERED ON

OCTOBER 15, 2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 15, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Ace Securities Corp., etc.,  
Plaintiff-Respondent,

-against-

M-4923  
Index No. 650980/12

DB Structured Products, Inc.,  
Defendant-Appellant,

Securities Industry and Financial  
Markets Association,  
Proposed Amicus Curiae.

-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 14, 2013, and said appeal having been perfected,

And the Securities Industry and Financial Markets Association having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to file nine additional copies of the proposed amicus curiae brief forthwith.

ENTER:

  
CLERK