

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 September 17, 2013.

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

-----X
Jose Morillo and Berky Lopez Morillo,
Plaintiffs-Respondents,

-against-

M-3697X
Index No. 302745/10

Angreni Perez-Matias, M Marte Auto
Corp.,
Defendants,

HIH Rojas-Castillo and Rigo Limo-Auto
Corp.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 15, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 17, 2013.

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

-----X
Pritchard Industries, Inc.,
Plaintiff-Respondent,

-against-

M-3698X
Index No. 650001/11

500-512 Seventh Avenue Limited
Partnership,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 23, 2012 (mot. seq. no. 005),

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 17, 2013.

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

-----X
Robena Gilmore,
Plaintiff-Respondent,

-against-

H.E.L.P. USA, Inc.,
Defendant,

M-3725X
Index No. 307542/09

-and-

Hamilton Place Associates LLC,
and R.L.S.A. Realty Corp.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 22, 2013,

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 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 September 17, 2013.

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

-----X
Emiliano Evangelista
Plaintiff-Respondent,

-against-

M-3736X
Index No. 21792/06

The New Fulton Fish Market Cooperative
At Hunts Point, Inc., The New Fulton
Fish Market Cooperative at Hunts Point,
and The Fulton Fish Market Storage, LLC,
Defendants-Appellants,

M. Slavin & Sons, Ltd. and Manuel
Tavaris,
Defendants.

-----X
[And other Actions]

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 20, 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 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 September 17, 2013.

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

-----X
The Hunter Realty Organization, LLC,

Plaintiffs-Respondents,

-against-

M-3748X
Index No. 107794/09

A.O. Textiles,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 22, 2013,

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 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 September 17, 2013.

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

-----X
Robert Negron,
Plaintiff-Respondent,

-against-

M-3821X
Index No. 302543/11

3131 Grand Concourse Owners Corp.
and David Realty Associates,
Defendants-Appellants,

GFC II Holdings, LLC,
Defendant.

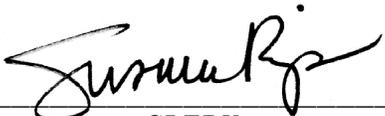
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 18, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 18, 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 September 17, 2013.

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

-----X

Lorraine Dones and Felipe Dones,

Plaintiffs-Respondents,

-against-

M-3859X

Index No. 301288/09

Kelly Associates LLC,

Defendant-Appellant,

Heitham H. Yehra, et al.,

Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 20, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 22, 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 September 17, 2013.

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

-----X

Abusaker Bader,
Plaintiff-Respondent,

-against-

M-3880X
Index No. 308514/09

Tiombe A. Majors, et al.,
Defendants,

Rijek O. Elchaib,
Defendant-Appellant,

Fred Donald Hurts, Jr.,
Defendant.

-----X

An appeal having been taken by defendant-appellant from an order of the Supreme Court, Bronx County, entered on or about February 22, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" 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 September 17, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick, Justices.

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

-against-

M-2610
Ind. No. 3261/07

Raymound Sprinkler, etc.,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for reargument of the decision and order of this Court entered on November 17, 2009 (Appeal No. 1476),

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 deemed one for reconsideration and, as such, 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 September 17, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In re Aidan Doorley,
Petitioner-Appellant,

-against-

M-3511
Index No. 114925/10

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitoner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 21, 2013 (Appeal No. 10017),

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 September 17, 2013.

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

-----X
Jose Marin and Ada Marin,
Plaintiffs-Respondents-Appellants,

-against-

Constitution Realty LLC, Independence M-3874
LLC and Koepfel Companies, LLC, Index No. 111531/07
Defendants-Appellants-Respondents,

-and-

General Restoration Associates, Inc.,
Defendant-Appellant-Respondent.
-----X

Appeals and a cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 28, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated July 23, 2012, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal, previously perfected for the April 2013 Term, 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 September 17, 2013.

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

Presiding Justice,

Justices.

-----X
Arie Genger and Orly Genger, in her individual capacity and on behalf of the Orly Genger 1993 Trust,
Plaintiffs-Respondents,

-against-

M-3355
Index No. 651089/10

Sagi Genger, et al.,
Defendants-Appellants,

-and-

Rochelle Fang, etc., et al.,
Defendants.

- - - - -
(And other actions)

-----X
An appeal having been taken from an a judgment of the Supreme Court, New York County, entered on or about February 26, 2013, as amended by the judgment of the aforesaid Court entered on or about March 19, 2013,

And defendant-appellant, Sagi Genger, having moved to vacate and limit certain temporary restraining orders and/or preliminary injunction,

Now, upon reading and filing the papers with respect to the motion, and correspondence of counsel for the aforesaid defendants, dated July 2, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 September 17, 2013.

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

-----X
Arie Genger and Orly Genger, in her individual capacity and on behalf of the Orly Genger 1993 Trust,
Plaintiffs-Respondents,

-against-

M-3441
Index No. 651089/10

Sagi Genger, et al.,
Defendants-Appellants,

-and-

Rochelle Fang, etc., et al.,
Defendants.

- - - - -
(And other actions)

-----X

An appeal having been taken from an amended judgment of the Supreme Court, New York County, entered on or about February 26, 2013, as amended by a judgment of the aforesaid Court entered on or about March 19, 2013,

And defendant-appellant, Dalia Genger, having moved to vacate and limit certain temporary restraining orders and/or preliminary injunction orders,

Now, upon reading and filing the papers with respect to the motion, and correspondence of counsel for the aforesaid defendant(s) dated July 2, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 September 17, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische, Justices.

-----x

In the Matter of

Jonathan R.,

M-3090

Docket No. D-20912/13

A Person Alleged to be a Juvenile
Delinquent,

Respondent.

-----x

Respondent having moved for leave to appeal to this Court from the order of the Family Court, New York County, entered on or about May 29, 2013, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from The Legal Aid Society dated July 8, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 September 17, 2013.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-815
Ind. No. 50/08

Robert McCoy,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on January 24, 2012 (Appeal No. 6595),

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

It is ordered that the motion is granted and, upon reargument, the decision and order of this Court entered on January 24, 2012 (Appeal No. 6595) is recalled and vacated and a new decision and order is substituted therefore. (See Appeal No. 6595, 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 September 17, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Darcel D. Clark, Justices.

-----X
Ernest Milchman, et al.,
Plaintiffs-Respondents,

-against-

M-3328
Index No. 20431/00

Steven Lipkin,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 21, 2013 (M-1203/M-1809), denying defendant-appellant's motion (M-1203) for reargument/renewal/reconsideration or leave to appeal to the Court of Appeals from the order of this Court entered on January 31, 2013, and granting plaintiffs-respondents' cross motion for certain sanctions (M-1809),

And defendant-appellant having moved for to strike the sanctions granted by the aforesaid order of this Court entered on May 21, 2013 (M-1809),

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 September 17, 2013.

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

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

-against-

M-3157
Ind. No. 4315/03

Miguel Martinez,
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 October 11, 2012, 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 September 17, 2013.

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

-----X
Alistine Thompson,

Plaintiff,

-against-

M-3056

Index No. 303131/08

Morningside House Nursing Home
Company, Inc., et al.,

Defendants.
-----X

An order of this Court having been entered on February 5, 2013 (M-5810), dismissing defendants' appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 17, 2011,

And defendants having moved for an order reinstating the aforesaid dismissed 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 September 17, 2013.

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

-----X

In the Matter of the Arbitration of
Certain Controversies Between
McIver-Morgan, Inc.,
Petitioner-Respondent,

M-3302
Index No. 653164/11

-against-

Christopher Dalpiaz, et al.,
Respondents-Appellants.

-----X

Respondents-appellants 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. 8916),

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 Supreme Court, as affirmed by this 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 September 17, 2013.

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

-----X

In Re Anthony Pellicane,
Petitioner-Appellant,

-against-

M-3510
Index No. 111176/11

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 21, 2013 (Appeal No. 10117),

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 September 17, 2013.

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

-----X

In Re Anthony Pellicane,
Petitioner-Appellant,

-against-

M-3510
Index No. 111176/11

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 21, 2013 (Appeal No. 10117),

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 September 17, 2013.

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

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

-against-

M-2023
Ind. No. 1573/03

Jamal Grant,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for reargument of the decision and order of this Court entered on September 27, 2007 (Appeal No. 1564-1564A),

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 September 17, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-1884
Ind. No. 10340/94

Edwin Houghton,

Defendant-Appellant.
-----X

Defendant-appellant having moved for reconsideration of the decision and order of this Court entered on June 25, 1998 (Appeal No. 62353 [M-1884]),

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 September 17, 2013.

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

-----X

In re New York City
Asbestos Litigation

- - - - -

Weitz & Luxenberg, P.C.,
Plaintiffs-Respondents,

M-3551
Index No. 40000/88

-against-

Georgia-Pacific LLC,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 6, 2013 (Appeal No. 9534-9535),

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 September 17, 2013.

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

-----x

In Re: New York City Asbestos Litigation

This Document Relates to:

M-4013
Index No. 40000/88

All Weitz and Luxemburg Cases in which
Blackmer Pump Company is a Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 19, 2013 (mot. seq. no. 009),

And Weitz & Luxemburg, P.C. having moved on behalf of certain plaintiffs for dismissal of the aforesaid appeal or, in the alternative, for expedited hearing of the appeal, or for other relief,

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

It is ordered that the motion is granted to the extent of dismissing the aforesaid appeal unless it is perfected for the January 2014 Term, 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 September 17, 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-4037
Ind. No. 7264/03

Louis Barone,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 16, 2010 (M-769), inter alia, assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on August 12, 2004, and said appeal having been heard,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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

It is ordered that the motion is granted to the extent of dismissing the appeal because of appellant's death on April 24, 2013, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v Matteson*, 75 NY2d 745; *People v Mintz*, 20 NY2d 753, 770.)

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 September 17, 2013.

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

-----X
Delilah Perez,
Plaintiff-Appellant,

-against-

M-3826
Index No. 103275/09

New York City Housing Authority,
Defendant-Respondent.
-----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 18, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2014 Term, with no further enlargements.

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 September 17, 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
John Francis Deneny, etc.,
Petitioner-Respondent,

-against-

M-4085
Index No. 113205/10

Barbara Van Rossem, as Co-Trustee
of the 518 Trust,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from an amended order and judgment of the Supreme Court, New York County, entered on or about May 9, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 17, 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 a
Custody/Visitation Proceeding

Esther Y.,
Petitioner-Appellant,

-against-

M-3737
Docket No. V21440-12/12A

Edward C.,
Respondent-Respondent.

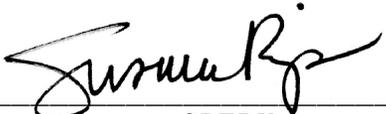
-----X

Petitioner-appellant, in connection with the appeal from an order of the Family Court, New York County, entered on or about October 16, 2012, having moved for an enlargement of time to perfect the 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 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 September 17, 2013.

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

-----X
Arnell Construction Corporation Inc.,
Plaintiff-Appellant,

-against-

M-3894
Index No. 651491/10

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

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 4, 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 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 September 17, 2013.

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

-----X
Eric Alexander,
Plaintiff-Respondent,

-against-

M-3912
Index No. 304255/09

Hany Alexander,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of divorce of the Supreme Court, New York County, entered on or about November 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 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 September 17, 2013.

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

-----X
Victor Baez-Rendon,
Plaintiff-Respondent-Appellant,

-against-

M-3696
Index No. 113354/08

250 Bowery Project LLC, et al.,
Defendants-Respondents.

-----X
Foundations Group Inc.,
Third-Party Plaintiff-Respondent-
Respondent,

-against-

Third Party
Index No. 590041/09

GCM Metal Industries, Inc.,
Third-Party
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 3, 2012 (mot. seq. no. 006),

And third-party defendant-appellant GCM Metal Industries, Inc., having moved for an enlargement of time to perfect its respective appeal from the aforesaid order,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the March 2014 Term, with leave to move for further enlargements, if so advised.

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 September 17, 2013.

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

-----X
Kathleen Decanio and Patrick Decanio,
Plaintiffs-Appellants,

-against-

Principal Building Services, Inc.,
et al.,
Defendants-Respondents.

M-3577
M-3908
Index No. 113086/09

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 12, 2012 (mot. seq. no. 002),

And plaintiffs-appellants having moved for an enlargement of time to perfect their appeal (M-3577),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal (M-3908),

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 plaintiffs-appellants' motion is granted to the extent of enlarging the time to perfect their appeal to the January 2014 Term (M-3577). Defendants-respondents cross motion is granted unless plaintiffs-appellants perfect their appeal for said January 2014 Term (M-3908).

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 September 17, 2013.

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

-----X
Edward Ramirez,
Plaintiff-Respondent,

-against-

10th Avenue Hospitality Group, LLC.,
et al.,
Defendants-Respondents,

M-3905
M-4091
Index No. 118129/09

Bryan Vetell, et al.,
Defendants,

-and-

Forte Network Inc., doing business as
Forte Security,
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 October 12, 2012,

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal,

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 to the extent of enlarging the time to perfect the appeal to the January 2014 Term. The cross motion to dismiss the appeal is granted unless the appeal is perfected for the said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent(s) serve a copy of this order upon the 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 September 17, 2013.

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

-----X
Yoseph Yahudaii,

Plaintiff-Appellant-Respondent,

M-3836

-against-

M-3557

M-4189

Index No. 103449/08

Nourallah Baroukhian, etc., et al.,

Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 5, 2012, and the direct appeal having been perfected,

And defendant-respondent-appellant pro se, Nourallah Baroukhian, having moved for an order striking plaintiff's direct appeal based on a defective record, and granting said defendant-respondent-appellant an enlargement of time to perfect the cross appeal (M-3836),

And defendant-respondent-appellant pro se, Nourallah Baroukhian, having also moved for an order dismissing any future motions by plaintiff, for an enlargement of time to perfect the direct appeal, and for an enlargement of time to perfect the cross appeal (M-3557),

And plaintiff-appellant-respondent, having cross-moved for an order precluding defendant-respondent-appellant pro se, Nourallah Baroukhian, from filing any further applications to this Court without prior permission (M-4189),

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

Ordered that plaintiff-appellant-respondent's appeal is adjourned to the January 2014 Term, and defendant-respondent-appellant Nourallah Baroukhian's motion is granted to the extent enlarging the time to perfect the cross appeal to said January 2014 Term with leave to defendant-respondent-appellant to file a supplemental appendix, with no further enlargements to be granted (M-3836),

Ordered that defendant-respondent-appellant's motion to strike plaintiff's appeal is denied, said appeal having been previously perfected (M-3557). Plaintiff-appellant-respondent's cross motion is denied (M-4189).

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 September 17, 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-4124
Ind. No. 3544/08

Jose Velez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 12, 2012, and said appeal having been perfected,

And the People having moved for an adjournment of the aforesaid appeal, and for an enlargement of time to respond to said appeal, inasmuch as defendant-appellant's retained counsel, Jose A. Muniz, having resigned from the Bar of the State of New York, effective March 21, 2013, and counsel's name having been consequently stricken from the Roll of Attorneys in the State of New York,

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 defendant's appeal to the February 2014 Term, with leave to the People to seek further adjournments, if so advised.

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 September 17, 2013.

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

-----x
Yelena Libin,

Plaintiff-Respondent,

-against-

M-4168

Index No. 110556/08

Irina Rybalova, et al.,

Defendants-Appellants.
-----x

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 11, 2012 (mot. seq. nos. 011, 012),

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 December 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 17, 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-

Dennis Watkins,

Defendant-Appellant.

-----x

M-2013
Ind. Nos. 3991/10
5135/11

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 5, 2012,

And defendant-appellant pro se having moved to have the papers submitted on the instant motion and on a prior motion (M-521 order entered March 26, 2013) deemed to constitute his appellant's brief on his appeal, and for permission to be produced for oral argument on the appeal, and for other relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 17, 2013.

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

-----X
Denise Kingue Bonnaig, Esq., doing
business as Denise K. Bonnaig &
Associates,

Plaintiff-Appellant,

-against-

M-3993
Index No. 110429/11

Dr. Hilary C. Walton, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York, entered on or about June 4, 2012 and or about June 12, 2013, and the appeal from the aforesaid order entered on or about June 4, 2012 having been perfected,

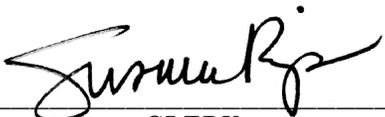
And an order of a Justice of this Court, dated July 30, 2013, having adjourned the perfected appeals to the October 2013 Term, with related relief,

And defendant-respondent, Brainpop U, a Division of Anina Management, Ltd., and Brainpop.Com, LLC, having moved for consolidation of the aforesaid appeals, for an enlargement of time to file a respondents' brief, to require plaintiff to supplement the record on appeal with all subsequent motion papers, 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 adjourning the perfected appeal taken from the order entered on or about June 4, 2012 to the January 2014 Term, and permitting plaintiff leave to file a supplemental record and revised appellant's brief pertinent to the appeal taken from the order entered on or about June 12, 2013, if so advised, on or before November 4, 2013 for said January 2014 Term, with defendant-respondent granted leave to respond to the appeals in a single set of respondents' points, 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 September 17, 2013.

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

-----X
Extell 601 West 137th Street LLC,
Plaintiff-Respondent,

-against-

Vinegar Hill Baking Company and
Restaurant LLC,
Defendant,

Sven Christian Oehme, also known
as Sven L. Oehme,
Defendant-Appellant.

M-3941
M-4087
Index No. 104871/10

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 28, 2012, and said appeal having been perfected,

And plaintiff-respondent having moved for an order adjourning the aforesaid perfected appeal to the November 2013 Term (M-3941),

And defendant-appellant having cross-moved for an order staying trial pending hearing and determination of the aforesaid appeal (M-4087),

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 to the extent of adjourning the appeal to the November 2013 Term. The cross 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 September 17, 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-3901
Ind. No. 1989/11

Dwinel Monroe,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about February 24, 2012, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 2, 2013 for the February 2014 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 September 17, 2013.

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

-----X
Amy Chin,
Plaintiff-Appellant,

-against-

M-3121
Index No. 113585/08

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

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 7, 2013 (Appeal Nos. 9988-89),

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 September 17, 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

Irfan Karakus, Cycle Stone, Inc.,
and Boubacar Diallo,
Petitioners,

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

M-3618
Index No. 100499/13

-against-

New York City Department of Consumer
Affairs,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 15, 2013, to review a determination of respondent,

And petitioners having moved for a stay of enforcement of a certain administrative determination pending hearing and determination of the aforesaid proceeding,

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 on condition the proceeding is perfected on or before November 4, 2013 for 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 September 17, 2013.

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

-----X

Queens Unit Venture, LLC,
Plaintiff-Respondent,

-against-

M-3750
Index No. 111568/11

Tyson Court Owners Corp. and
All Area Realty Services, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 12, 2013,

And an order by a Justice of this Court having been entered on July 17, 2013, granting an interim stay of the transfer of certain shares and proprietary leases on condition, inter alia, that defendant pay certain monies into escrow,

And defendants-appellants having moved for a stay of enforcement of the aforesaid order entered on or about June 12, 2013 pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by the order of a Justice of this Court on June 12, 2013 on the same terms and conditions and, on condition the appeal is perfected for 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 September 17, 2013.

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

-----x
FTBK Investor II, LLC, etc.,
Plaintiff-Respondent,

-against-

M-3764
Index No. 810161/11

Maryanne Holding LLC,
Defendant-Appellant,

-and-

New York State Department of
Taxation and Finance, et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 31, 2013,

And defendant-appellant having moved for a stay of enforcement of the order pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated September 13, 2013 from counsel for defendant-appellant, Loanzon Sheikh, LLC (Misha M. Wright, of counsel), and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 September 17, 2013.

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

-----X
Ramapo Valley Brewery Canada, Ltd.,
and ICBS, Ltd (Delaware),
Plaintiffs-Respondents,

-against-

M-4007
Index No. 155045/12

Abel L. Pierre, Esq.,
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 March 26, 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 September 17, 2013.

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

-----X
The Reverend Jane Butterfield Presler,
Plaintiff-Respondent,

-against-

M-4134

Index No. 108389/06

The Domestic and Foreign Missionary
Society of the Protestant Episcopal
Church in the United States of
America, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the 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 4, 2012,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties, dated September 9, 2013, and due deliberation having been had thereon,

It is ordered that the motion for the stay of trial is granted, in accordance with the aforesaid stipulation. The parties are otherwise directed to abide by the filing dates for the November 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 17, 2013.

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

-----x
Rafael Thomas,

Plaintiff-Respondent,

-against-

M-3950
Index No. 301866/10

NYLL Management Ltd., et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 17, 2012, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the 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 September 17, 2013.

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

-----X
Lawrence Obstfeld, Individually
and derivatively on behalf of
Toev Medical Corporation, et al.,
Plaintiffs,

-against-

SEALED

Arthur Schwartz,
Defendant-Appellant,

M-4049
Index No. 650220/08

Ronald Solar, et al.,
Defendants-Respondents,

-and-

Toev Medical Corporation,
Nominal Defendant.

-----X

Appeals having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about May 31, 2013 (mot. seq. no. 005) and July 10, 2013, respectively,

And defendants-respondents having moved for an order sealing that portion of the record on appeal containing confidential information and any appellate briefs citing or referencing said confidential information,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated July 31, 2013 wherein all parties agree to the requested relief, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of sealing the record and any appellate briefs citing or referencing the aforesaid information, and marking the matter confidential 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 September 17, 2013.

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

-----X
Miller Tabak & Co., LLC,
Plaintiff-Respondent,

-against-

M-3864
Index No. 651935/10

Senetek, PLC,
Defendant-Appellant,
-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about September 24, 2012, and from a judgment from the same Court and Justice entered on or about November 20, 2012, respectively,

And defendant-appellant having moved for an enlargement of time to perfect the appeal from the aforesaid order of the Supreme Court, New York County, entered on or about September 24, 2012,

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

It is ordered that the motion is denied as unnecessary, and, sua sponte, the appeal from the order entered on or about September 24, 2012 is dismissed as subsumed by the subsequent appeal from the judgment of the same Court and Justice entered on or about November 20, 2012, and defendants-appellant's time to perfect the appeal from the aforesaid judgment is enlarged to on or before November 4, 2013 for 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 September 17, 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

Jermaine J.,

A Child Under 18 Years of Age Alleged to be Neglected Under Article 10 of the Family Court Act.

- - - - -
Commissioner of Social Services of the City of New York,
Petitioner-Respondent,

M-3375
Docket No. NN-26178/12

Howard J.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding of the Family Court, New York County, entered on or about April 16, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the 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 September 17, 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 a Proceeding for Custody
and/or Visitation Under Article 6 of the
Family Court Act.

- - - - -
Johanys M., Docket Nos. V-16614/11
Petitioner-Respondent, V-20804/11

-against-

Eddy A.,
Respondent-Appellant.
-----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 17, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the 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 September 17, 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

David R.,
Johan V.,
Johana V.,
Silvette V., and
Yaniel V.,

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

M-3392
Docket Nos.
NA-31148-52/09

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

Carmen R.,
Respondent-Appellant.

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

-----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 28, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the 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 September 17, 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 the Application of
Lillie Ross,
Petitioner-Appellant,

M-3374
Index No. 400033/13

-against-

DHCR and Stanley Wasserman,
Defendants-Respondents.

-----X

Petitioner-appellant 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 15, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of 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 attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks the assignment of counsel 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 September 17, 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 the Application of
Yvette Jackson,
Petitioner,

M-3473

For a Judgment Pursuant to Article 78 Index No. 401533/12
of the Civil Practice Law and Rules,

-against-

Gladys Carrion, etc., et al.,
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 March 20, 2013,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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 proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondents and file copies of such brief, together with the original record, with this Court. Petitioner 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 September 17, 2013.

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

-----X

Manuel Mayo and Isabel Mayo,
Plaintiffs,

-against-

Metropolitan Opera Association, Inc.
and Lincoln Center for the Performing
Arts, Inc.,
Defendants.

M-3617
Index No. 115545/08

-----X

Metropolitan Opera Association, Inc.,
Third-Party Plaintiff,

-against-

Strauss Painting, Inc., Creative
Finishes Limited and Nova Casualty
Company,
Third-Party Defendants,

-----X

Defendant Lincoln Center for the Performing Arts having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about June 27, 2013,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated July 22, 2013, and due deliberation having been had thereon, it is

Ordered that the motion 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 September 17, 2013.

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

-----X
Ruben Diaz,
Plaintiff-Appellant,

-against-

Luis Jadan and John Doe, etc.,
Defendants-Respondents.

M-3284
Index No. 21100/11

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 14, 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 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 September 17, 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-3414

Index No. 3765/10

Mustapha Quanes,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 7, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 September 17, 2013.

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

-----X
Joanne Torchia and James Battista,
Plaintiffs-Respondents,

-against-

M-3453
Index No. 306233/10

Richard C. Garvey, M.D., Rick
Garvey, M.D., P.C. and Montefiore
Medical Center - Weiler Division,
Defendants-Appellants.

-----X

Defendants-appellants 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 January 10, 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 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 September 17, 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 the Application of
Dorothy DeSuzia, Dena Williams,
Vivian Lynette, Marie McCullough
and Leroy Meyers, Sr.,
Petitioners-Appellants,

-against-

M-3636
Index No. 260392/12

The Board of Directors of
Concourse Village Inc., et al.,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, Bronx 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 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 September 17, 2013.

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

-----X
LFR Collections LLC, as Acquirer of
Certain Receivables of the Stillwater
Asset-Backed Fund LP,
Plaintiffs-Respondents,

-against-

M-3687
Index No. 652594/11

Blan Law Offices and Kenneth W.
Blan,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal from a judgment of the Supreme Court, New York County, entered on or about September 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 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 September 17, 2013.

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

-----X
Pavonix, Inc., formerly known as
Softscape, Inc., et al.,
Plaintiffs-Appellants,

M-3472
Index No. 651182/11

-against-

Vista Equity Partners, LLC, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for an order dismissing plaintiffs-appellants' appeal taken from the order of the Supreme Court, New York County, entered on or about April 4, 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 to dismiss the appeal is granted unless the appeal is perfected for the January 2014 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendants-respondents serve a copy of this order upon the plaintiffs-appellants 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 September 17, 2013.

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

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

Doris Kay Dummitt, Individually and
as Executrix of the Estate of Ronald
Dummitt, deceased,
Plaintiff-Respondent,

-against-

M-3566
Index No. 190196/10

A. W. Chesterton, et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect their 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 denied as unnecessary said appeal having been perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 17, 2013.

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

-----X
Jacob Frumkin, individually and as
Managing Member of Hamilton Heights
Partners, LLC,
Plaintiff-Appellant,

M-3505
Index No. 650659/10

-against-

P&S Construction, N.Y., Inc., et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for an order dismissing plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about February 27, 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 to dismiss the appeal is granted unless the appeal is perfected on or before December 2, 2013 for the February 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 17, 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
ex rel. Jamel Clark,
Petitioner-Appellant,

-against-

M-3351
Index No. 251806/12

New York State Department of Corrections
and Community Supervision, et al.,
Respondents-Respondents.

-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about May 14, 2013, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for the assignment of counsel,

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

It is ordered that said motion is granted and it is directed that the appeal be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. The motion, to the extent it seeks the assignment of counsel, is denied. The Clerk of the Supreme Court, Bronx County, is directed to transmit the original record to this Court.

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 September 17, 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
ex rel. Desiree Lassiter, Esq., on
behalf of Yadira Hernandez,
Petitioner-Appellant,

M-3471
Index No. 250568/13

-against-

Dora B. Schiro,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, entered on or about May 3, 2013, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 8 reproduced 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.

Pursuant to Section 35 of the Judiciary Law, Robin Steinberg, Esq., The Bronx Defenders, 860 Courtlandt Avenue, Bronx, NY 10451, Telephone No. (718) 838-7878, is assigned as counsel for appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court.

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 September 17, 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-3677
Ind. No. 49/07

Miguel E. Joaquin,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 21, 2010,

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 September 17, 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-3842

SCI. No. 3046/97

Thomas Santos, also known as Emmy Abreu,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 27, 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 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 September 17, 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-

James Brown,
Defendant-Appellant.

M-3634
Ind. Nos. 6292/06
1957/07

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 12, 2008,

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 September 17, 2013.

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

-----X
Marie Eckardt,

Plaintiff-Respondent,

-against-

Starr Building Realty LLC,
Defendant-Respondent-Appellant,

East Twin Enterprises, Inc.,
doing business as Rhinebeck Grille,
Defendant-Appellant-Respondent.

-----X

M-3268
Index No. 106449/09

Defendant-respondent-appellant Starr Building Realty LLC having moved for reargument of the decision and order of this Court entered on May 9, 2013 (Appeal No. 9933), and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 17, 2013.

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

-----x
VFS Financing, Inc.,
Plaintiff/Counterclaim Defendant-
Respondent,

-against-

M-4169
Index No. 651434/11

Insurance Services Corporation, et al.,
Defendants/Counterclaim Plaintiffs-
Appellants.

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

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 9, 2012 (mot. seq. nos. 003, 007), and said appeal having been perfected,

And defendants/counterclaim plaintiffs-appellants having moved for a stay of trial herein 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 September 17, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalynd H. Richter, Justices.

-----X

Janice Lee,

Plaintiff-Appellant,

-against-

M-3173

Index No. 116603/10

215 West 88th Street Holdings, LLC,
et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on May 9, 2013 (Appeal No. 10023N),

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 September 17, 2013.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Castlepoint Insurance Company, as
subrogee of Linda Trager,
Plaintiff-Respondent-Appellant,

-against-

Wendy Moore, et al.,
Defendants-Appellants,

M-2886
Index No. 110915/09

B & P Chimney Cleaning and Repair
Company, Inc.,
Defendant-Respondent-Respondent.

-----X

Defendant-respondent-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 9, 2013 (Appeal No. 9747),

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 9, 2013 (Appeal No. 9747) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 9747, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied.

ENTER:



CLERK

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-2255
Ind. No. 2593/05

-against-

CERTIFICATE
DENYING LEAVE

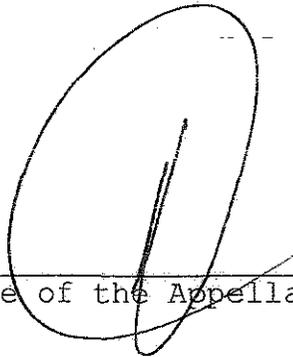
Dwight Furet, also known as Ira
Morsby,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, (Cassandra Mullen, J.), entered on or about March 1, 2013, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
July 10, 2013



Justice of the Appellate Division

ENTERED

SEP 17 2013

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-2851
Ind. No. 10194/94

-against-

CERTIFICATE
DENYING LEAVE

Richard Millan, also known as
George Rodriguez,

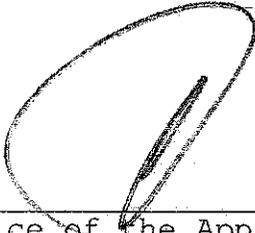
Defendant.

-----X
I, Richard T. Andrias, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law Section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the Order of the Supreme Court, New York County
(Cassandra M. Mullen, J.), entered on or about April 11, 2013,
which denied defendant's motion to vacate the judgment and
sentence, deemed to be a motion pursuant to CPL 440.10, is hereby
denied.

Dated: New York, New York
July 9, 2013

ENTERED

SEP 17 2013



Justice of the Appellate Division.

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

Respondent,

M-2438

Ind. No. 8326/89

-against-

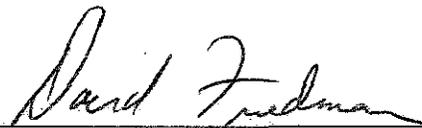
CERTIFICATE DENYING
LEAVE

James Williams,
Defendant-Appellant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein,¹ there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal is hereby denied.

Dated: New York, New York
August 14, 2013



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

SEP 17 2013

¹Description of Order:

2/26/13, Sup. Ct., App. Div., First Dept., denying motion for writ of error coram nobis for review of claim of ineffective assistance of appellate counsel.

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-2890
Ind. Nos. 5713/94,
5201/95, 10120/95

-against-

CERTIFICATE
DENYING LEAVE

Ollie Reeves a/k/a Otis Reeves a/k/a Otis
Butts,
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the Order of the Supreme Court, New York County,
entered on or about September 28, 2012, is hereby denied.

Dated: New York, New York
August 29, 2013

ENTERED



DAVID FRIEDMAN
Justice of the Appellate Division

SEP 17 2013

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-1693
New York Co.
Indictment No.
3822/91

-against-

CERTIFICATE
DENYING LEAVE

Gil Terrence,

Defendant.

-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 26, 2012 is hereby denied.

Dated:

New York, New York

ENTERED

David B. Saxe
Justice of the Appellate Division

SEP 17 2013

APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

-----X

The People of the State of New York,

Respondent,

-against-

George Leeper,

Defendant-Appellant.

-----X

M-1741
NY Co.
Ind. No. 902/11

CERTIFICATE
GRANTING LEAVE

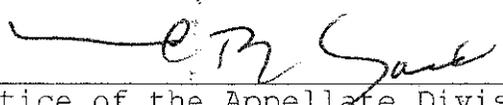
I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about September 27, 2012.¹

Dated:

New York, New York

ENTERED

SEP 17 2013



Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M-4082

Respondent,

Ind. No. 3016/06

-against-

CERTIFICATE
GRANTING LEAVE

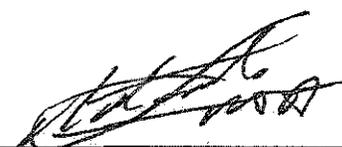
Marcos Llibre,

Defendant-Appellant.
-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about June 27, 2013.

Dated: August 28, 2013
New York, New York

ENTERED



Hon. Rolando T. Acosta
Associate Justice

SEP 17 2013

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The consolidated appeals (see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-3167
Ind. No. 2503/10

-against-

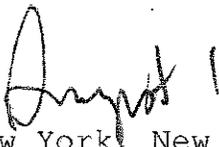
CERTIFICATE
DENYING LEAVE

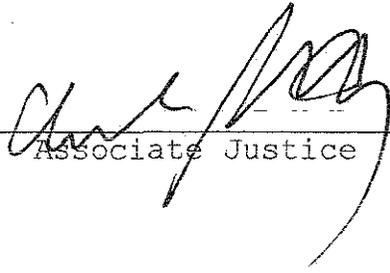
James Margulies, also known as
James W. Margulies,

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application deemed timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, sections 450.15
and 460.15, and upon the record and proceedings herein, there is
no question of law or fact presented that ought to be reviewed by
the Appellate Division, First Judicial Department, and permission
to appeal from the order of the Supreme Court, New York County,
entered on or about May 1, 2013, is hereby denied.

Dated:  , 2013
New York, New York


Associate Justice

ENTERED: **SEP 17 2013**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

-against-

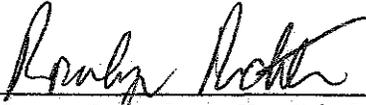
Rolando Coronado,

Defendant.
-----X

M-3427
Ind. No. 2221/83

CERTIFICATE
DENYING LEAVE

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, dated July 27, 2011, is hereby denied.



Hon. Rosalyn H. Richter

Dated: July 24, 2013
New York, New York

ENTERED: SEP 17 2013

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-1685
Ind. No. 12131/91

-against-

CERTIFICATE
DENYING LEAVE

Lorenzo Martinez,
Defendant.

-----X
I, Judith J. Gische, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, sections 450.15
and 460.15, and upon the record and proceedings herein, there is
no question of law or fact presented which ought to be reviewed
by the Appellate Division, First Judicial Department, and
permission to appeal from the order of the Supreme Court, New
York County (Eduardo Padró, J), entered on or about June 25,
2013, is hereby denied.

Associate Justice

Dated: August 20, 2013
New York, New York

ENTERED: **SEP 17 2013**

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-3789
Ind. No. 425/00
Ind. No. 1786/01

-against-

CERTIFICATE
DENYING LEAVE

Raymond Brown,

Defendant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Robert A. Sackett, J), entered on or about June 12, 2013, is hereby denied.



Associate Justice

Dated: August 22, 2013
New York, New York

ENTERED: **SEP 17 2013**

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

-----X
The People of the State of New York, M-3792
Ind. No. 1563/90

-against-

CERTIFICATE
DENYING LEAVE

Elias Rodriguez a/k/a Elias Rodriquez,
Defendant.

-----X
I, Judith J. Gische, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, sections 450.15
and 460.15, and upon the record and proceedings herein, there is
no question of law or fact presented which ought to be reviewed
by the Appellate Division, First Judicial Department, and
permission to appeal from the order of the Supreme Court, Bronx
County (Nicholas Iacovetta, J), entered on or about May 16, 2013,
is hereby denied.



Associate Justice

Dated: August 22, 2013
New York, New York

ENTERED: **SEP 17 2013**

PM ORDERS
ENTERED ON
SEPTEMBER 17,
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 September 17, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Karla Moskowitz
Judith J. Gische, Justices.

-----x
In the Matter of the Application of
Nicole Williams,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3043
Index No. 403248/11

-against-

John B. Rhea, etc., et al.,
Respondents-Respondents.

-----x
Respondents-respondents having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about July 20, 2012, for failure to timely perfect,

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

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

All concur except Mazzarelli, J. and Moskowitz, J., who would deny the motion.

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 September 17, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman, Justices.

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

-against-

Rodhames-Antonio Rodriguez,
Defendant.

M-3430
M-2020
Ind. No. 5926/00

-----X

An order of this Court having been entered on January 13, 2013 (M-4820), dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 30, 2001,

And defendant-appellant pro se (M-3430) and Robert S. Dean, Esq., The Center for Appellate Litigation having separately moved on defendant's behalf (M-2020) for reinstatement of the appeal, for leave to prosecute the appeal as a poor person and for the assignment of Robert S. Dean, Esq., as counsel to prosecute the appeal,

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.

All concur except Renwick, J. and Feinman, J., who dissent and would grant the motions.

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 September 17, 2013.

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

-----x

MSCI, Inc., et al.,

Plaintiffs-Appellants,

-against-

M-4315

Index No. 651451/11

Philip Jacob, et al.,

Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 15, 2013 (mot. seq. no. 007), and said appeal having been perfected,

And plaintiffs-appellants having moved for a stay of all proceedings, including discovery, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:


CLERK

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 September 17, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----x
Frederick B. Whittemore,
Plaintiff-Respondent,

-against-

Edwin H. Yeo, III,
Defendant-Appellant,

Endurance Capital Management Company,
L.P., et al.,
Defendants,

M-4341
Index No. 600742/10

-and-

Yeo Farms, LLC,
Defendant-Appellant.

-----x
An appeal having been taken to this Court by defendant Yeo Farms, LLC from the judgment of the Supreme Court, New York County, entered on or about June 1, 2012, and said appeal by defendant Yeo Farms, LLC having been perfected and fully briefed,

And separate appeals having been taken by defendant-appellant Edwin H. Yeo, III, from an order of said Court entered on or about December 20, 2012, and from the judgment of said Court entered on or about April 4, 2013, pursuant to the aforesaid order entered December 20, 2012,

And plaintiff-respondent having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect same,

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

It is ordered that the motion is denied.

ENTER:


CLERK