

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

-against-

M-1574  
Ind. No. 3064N/12

Levaghñ Gonzales,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 24, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated March 27, 2014, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 22, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
David B. Saxe  
Roselyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Inayat I. Shaikh, as Administrator of  
the Estate of

Fazeelat Shaikh, deceased,  
Plaintiff-Appellant,

**M-1098**  
Index No. 24315/98

-against-

Dr. M. Rafiq Chaudhry & Dr. N.D. Wruble,  
Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about February 25, 2013, and from the judgment of said Court, entered on or about June 11, 2013,

And defendants-respondents having moved for an order dismissing the aforesaid appeals as untimely (CPLR 5513[a]), and/or for failure to timely prosecute,

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 insofar as it seeks dismissal of plaintiffs appeals pursuant to CPLR 5513[a]) on jurisdictional grounds without prejudice to addressing the issue directly on appeal and grant to the extent of dismissing the appeal for failure to timely prosecute unless the appeal is perfected for the September 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 April 22, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

-against-

M-457  
Ind. No. 1673/11

Victor Capellan,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Patricia DiMango, J.), entered on or about December 10, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-584

Ind. Nos. 865/12  
3908/12

Sean Brown, also known as Leon  
Sean Brown,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 14, 2014 (M-6384) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 16, 2013, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Miguel Angel Cabrera Martinez,  
Plaintiff-Respondent,

-against-

OEL Realty Corp.,  
Defendant/Third-Party  
Plaintiff-Respondent,

M-728  
M-821  
Index No. 309585/10

-against-

Tower Insurance Company of New York,  
Third-Party Defendant-Appellant.

-----X

Defendant/third-party plaintiff-respondent having moved for reargument of the decision and order of this Court entered on January 9, 2014 (Appeal No. 11450) [M-821],

And plaintiff-respondent having moved for the same relief (M-728),

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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Jazz on 129<sup>th</sup> LLC,  
Plaintiff-Appellant,

-against-

Christ Temple of the Apostolic Faith, M-1261  
Inc., Index No. 106762/10  
Defendant Third-Party  
Plaintiff/Respondent,

-against-

Moshe Ziv,  
Third-Party Defendant.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about April 23, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 April 22, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Karla Moskowitz  
Paul G. Feinman, Justices.

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

Appellant,

-against-

Frank Ruiz, also known as Hector Cortez,

M-590  
Ind. Nos. 2390/06  
3051/06

Defendant-Respondent.  
-----X

The People having moved to "amend the remittitur" with respect to the decision and order of this Court entered on January 28, 2014 (Appeal No. 10170), which reversed the judgment of **resentence** rendered April 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 deemed one for reargument and, upon reargument, the decision and order of this Court entered on January 28, 2014 (Appeal No. 10170) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 10170, 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 April 22, 2014.

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

-----X

Betty Castro,  
Plaintiff-Appellant,

-against-

M-560  
Ind. No. 107544/09

Cushman & Wakefield, Inc., et al.,  
Defendants-Respondents.

-----X

Defendant-respondent Cushman & Wakefield, Inc. having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about March 11, 2013 (mot. seq. no. 003),

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

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

-----X  
Madeline Natal,  
Plaintiff-Appellant,

-against-

1301 Properties Owner LP, et al.,  
Defendants-Respondents.

M-561  
Index No. 650247/11

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about April 5, 2013 (mot. seq. no. 002),

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Judith J. Gische  
Darcel D. Clark, Justice.

-----x

Marbilla, LLC,  
Plaintiff-Respondent,

-against-

143/145 Lexington LLC, et al.,  
Defendants-Respondents.

-----x

143/45 Lexington LLC, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

M&R European Construction Corp.  
Third-Party Defendant-Respondent.

-----x

Howard I. Shapiro & Associates  
Consulting Engineers, P.C., et al.,  
Second Third-Party Plaintiffs-Respondents,

-against-

M&R European Construction Corp.,  
Second Third-Party Defendant-Respondent.

-----x

M&R European Construction Corp.,  
Third Third-Party Plaintiff-Respondent,

-against-

Versatile Consulting & Testing Services  
Inc., et al.,  
Third Third-Party Defendants-Respondents.

-----x

M-767  
Index No. 117132/06

Third-Party  
Index No. 590961/04

Second Third-Party  
Index No. 591166/07

Third Third-Party  
Index No. 590387/08

-----x  
M&R European Construction Corp.,  
Fourth Third-Party Plaintiff-Respondent,

-against-

Delta Testing Laboratories Inc., Fourth Third-Party  
Fourth Third-Party Defendant-Appellant, Index No. 590961/07

-and-

Warren George Inc.,  
Fourth Third-Party Defendant-Respondent.  
-----x

M&R European Construction Corp., Fifth Third-Party  
Fifth Third-Party Plaintiff-Respondent, Index No. 591145/10

-against-

Iron Head Enterprises LLC,  
Fifth Third-Party Defendant-Respondent.  
-----x

M&R European Construction Corp., Sixth Third-Party  
Sixth Third-Party Plaintiff-Respondent, Index No. 591145/10

-against-

Skyscraper Steel Corp.,  
Sixth Third-Party Defendant-Respondent.  
-----x

Appeals having been taken to this Court by fourth third-party defendant-appellant Delta Testing Laboratories, Inc. from multiple orders of the Supreme Court New York County, entered on or about April 29, 2013 (mot. seq. nos. 010 and 13), in this action (Index No. 117132) and a related action under Ind. No. 603831/08)

And fourth third-party defendant-appellant Delta Testing Laboratories, Inc. having moved for consolidation of the appeals taken in both actions,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals from both actions upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before July 7, 2014 for the September 2014 Term (See M-768, 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 April 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Judith J. Gische  
Darcel D. Clark, Justice.

-----x  
143/145 Lexington Avenue LLC,  
Plaintiff-Respondent,

-against-

M-768  
Index No. 603831/08

M&R European Construction Corp., et al.,  
Defendants-Respondents.

-----x  
M&R European Construction Corp.,  
Third-Party Plaintiff-Respondent,

-against-

Delta Testing Laboratories, Inc.,  
Third-Party Defendant-Appellant,

Third-Party  
Index No. 590571/10

-and-

Green Circle Construction, LLC, et al.,  
Third-Party Defendants-Respondents.

-----x  
M&R European Construction Corp.,  
Second Third-Party Plaintiff-Respondent,

-against-

Second Third-Party  
Index No. 591144/10

Iron Head Enterprises LLC,  
Second Third-Party Defendant-Respondent.

-----x  
M&R European Construction Corp.,  
Third Third-Party Plaintiff-Respondent,

-against-

Third Third-Party  
Index No. 590392/12

Skyscraper Steel Corp.,  
Third Third-Party Defendants-Respondents.  
-----x

Appeals having been taken to this Court by third-party defendant-appellant Delta Testing Laboratories, Inc. from multiple orders of the Supreme Court New York County, entered on or about April 29, 2013 (mot. seq. nos. 010, 011, 012, 013, 014, 015 and 016), in this action (Index No. 603831/08) and a related action under Index No. 117132/06,

And third-party defendant-appellant Delta Testing Laboratories, Inc. having moved for consolidation of the appeals taken in both actions,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals in both actions upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before July 7, 2014 for the September 2014 Term (See M-767, 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 April 22, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-424  
Ind. No. 598/10

Reuel Mebuin, also known as Revel  
Mebuin,  
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on December 24, 2013 (M-4818), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about June 27, 2013,

And defendant having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-465  
SCI No. 2498/13

Eddie Rodriguez,

Defendant-Appellant.

-----X

Defendant, both pro se and by Kumar Rao, Esq., the Bronx Defenders, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 18, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Kumar Rao, Esq., The Bronx Defenders, 360 East 161<sup>st</sup> Street, Bronx, New York 10451, Telephone No. 718-838-7878, 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 April 22, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

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

-against-

Johnny Lynch,  
Defendant-Appellant.

M-127  
Ind. No. 4771/09  
Case No. 72848C/09

-----X

An order of this Court having been entered on November 26, 2013 (M-5168) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2013, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

M-6682  
Ind. No. 5457/11

Ian Skinner,  
Defendant.

-----X

Defendant having moved in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of counsel in the Supreme Court, New York County, with the respect to the judgment of said Court, rendered on or about April 19, 2012, or in the alternative, for an extension of time to file a late notice of 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 in the nature of a writ of error coram nobis is denied. So much of the motion which seeks an extension of time to file a notice of appeal is denied. (CPL 460.30 subd. 1)

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-20  
Ind. No. 119/11

Albert Harriott,

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 June 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 September 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 April 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Barbara R. Kapnick, Justices.

-----X  
Mortgage Electronic Registration  
Systems, Inc.,

Plaintiff-Respondent,

-against-

M-1224  
Index No. 15295/00

Orinthia Gifford,

Defendant-Appellant.  
-----X

Defendant-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 24, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 April 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Barbara R. Kapnick, Justices.

-----X  
P.F.J., Ltd.,

Plaintiff-Respondent,

-against-

M-1262  
Index No. 100633/12

Uriel Marrache,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 15, 2013 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 April 22, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Barbara R. Kapnick, Justices.

-----X  
You Qun Liu, et al.,  
Plaintiffs-Appellants,

-and-

Jacquelyn Gallo, et al.,  
Plaintiffs,

-against-

M-1322  
Index No. 104930/09

DMHZ Corp., et al.,  
Defendants-Respondents.

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

Plaintiffs-appellants having moved for an enlargement of time to perfect separate appeals from the order of the Supreme Court, New York County, entered on or about June 19, 2013 (mot. seq. nos. 004 & 005),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the October 2014 Term. The Clerk of the Court is directed to calendar the appeals to be heard together on the same day of said 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 April 22, 2014.

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

-----X

TMR Bayhead Securities, LLC, et al.,

Plaintiffs-Respondents,

-against-

M-6459

Index No. 115387/08

Aegis Texas Venture Fund II, LP,  
et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on November 14, 2013 (Appeal No. 11085N),

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 April 22, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X

John Fayolle,

Plaintiff-Appellant,

-against-

M-4353

Index No. 115715/08

East West Manhattan Portfolio L.P.,  
et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 23, 2013 (Appeal No. 10353),

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 April 22, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Barbara R. Kapnick, Justices.

-----X  
Jacob Gottlieb,  
Plaintiff-Appellant-Respondent,

-against-

**M-1310**  
Index No. 311197/12

Alexandra Lumiere Gottlieb,  
Defendant-Respondent-Appellant.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 31, 2013, and said appeal and cross appeal having been perfected,

And defendant-respondent-appellant having moved for an order enlarging the joint record on appeal, and adjourning said appeal and cross appeal,

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

Ordered that the motion is granted to the extent of directing defendant-respondent-appellant to file forthwith a supplemental record on appeal to include the so called "List of Additional Authorities", attached as Exhibit 5 to the moving papers, at defendant-respondent-appellant's own expense, if so advised. The Clerk is directed to maintain the appeal and cross appeal on the calendar for the September 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 April 22, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-394  
Ind. Nos. 4261/09  
5984/09

Kevin Moore,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 18, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

CORRECTED ORDER -- July 28, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-575  
Ind. No. 450/10

Ilius Ballenilla,  
Defendant-Appellant.  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, **Bronx** County, entered on or about October 30, 2012 (Seth Marvin, J.),

And defendant-appellant, by trial counsel Andrew H. Freifeld, Esq., having moved for an order appointing Andrew H. Freifeld, Esq. as counsel for purposes of the appeal,

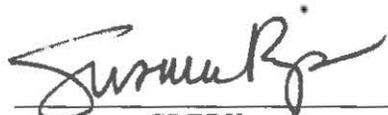
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman  
Barbara R. Kapnick, Justices.

-----x  
Wing Yip Realty Corp.,  
Plaintiff-Respondent,

-against-

Chen Er Pan, also known as Susanna Pan,  
Defendant-Appellant,

M-1335  
Index No. 600203/09

Red Blue International Art Framing  
Corp.,  
Defendant.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 2, 2013 (mot. seq. no. 008),

And defendant-appellant having moved, pursuant to CPLR 5519(c) and CPLR 5519(a)(6), for a stay of the order entered February 25, 2014 and of all proceedings stemming therefrom including, but not limited to, the enforcement of the judgment of possession and execution of the warrant, 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 to the extent of staying, only with respect to the first floor of the subject premises, all proceedings on condition defendant-appellant continues paying use and occupancy, satisfies all any existing arrears in use and occupancy, and perfect the appeal on or before July 7, 2014 for the September 2014 Term. The motion, to the extent it seeks a stay with respect to the basement premises, 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 April 22, 2014.

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

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

Adetokunbo C. Ogunrinde,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-212  
Index No. 117886/09

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

-----X

A decision and order of this Court having been entered October 3, 2013 (Appeal No. 10661),

And an order of this Court having been entered on December 12, 2013 (M-5575) denying petitioner-appellant's motion for reargument of or, leave to, inter alia, appeal to the Court of Appeals from the aforesaid decision and order of this Court (Appeal No. 10661),

And petitioner-appellant having moved for an order, inter alia, determining that this Court lacked jurisdiction to issue the aforesaid order (Appeal No. 10661),

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 April 22, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
5-15 W 91 LLC,  
Petitioner-Appellant,

-against-

M-830  
Index No. 570749/12

Alexander Near,  
Respondent-Respondent,

-and-

"John Doe 1" & "John Doe 2",  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about August 5, 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 April 22, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Helen E. Freedman  
Judith J. Gische, Justices.

-----X

Nick Addonisio, et al.,  
Plaintiffs-Appellants,

-against-

M-452  
Index No. 100870/10

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

Empire City Subway Company (Limited),  
et al.,  
Defendants.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 31, 2013 (Appeal No. 11423),

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 April 22, 2014.

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

-----X  
Petition for a Compulsory Accounting  
and Related Relief  
in the Ruth Bronner and Zwi Levy  
Family Sprinkling Trust, etc.

- - - - -  
Petition for a Compulsory  
Accounting and Related Relief  
in the Ruth Bronner Trust, etc.,  
et al.

M-42  
File 2271/12  
2271A/12  
2271C/12

- - - - -  
Petition for a Compulsory  
Accounting and Related Relief  
in the RB and ZL Family Sprinkling  
Trust created on January 14, 1993  
by Zwi O. Levy, etc., et al.

- - - - -  
In re Ruth T. Bronner,  
Petitioner-Respondent,

-against-

Warren R. Gleicher,  
Respondent-Appellant.

-----X  
Respondent-appellant Warren R. Gleicher having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 5, 2013 (Appeal No. 10528),

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 April 22, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X  
Empire Insurance Company as Successor  
in Interest to Allcity Insurance  
Company,  
Plaintiff-Respondent,

-against-

M-1096  
Index No. 111691/11

Robert San Miguel,  
Defendant,

Thomas McHenry,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 18, 2014 (Appeal Nos. 11778 - 11778A),

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 April 22, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
Victor M. Garcia-Pascual and  
Alfredo Laford,  
Plaintiffs-Appellants,

-against-

Joshua Juarbe, et al.,  
Defendants-Respondents.

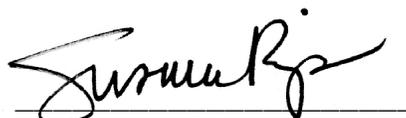
M-1072  
Index No. 310032/09

-----X  
Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 12, 2013,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

Juan Carlos Mayancela,

Plaintiff-Appellant,

-against-

Mensah B. Koduah, et al.,

Defendants-Respondents.

-----X

M-1074  
Index No. 310778/11

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about March 7, 2013,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

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

-against-

M-957  
Ind. No. 3378/07

Robert Denis,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 2, 2011,

And defendant-appellant, pro se, having moved for a an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before August 4, 2014 for the October 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 April 22, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Judith J. Gische  
Darcel D. Clark, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1227  
Ind. No. 545/07

Ricky Owens,  
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, Bronx County, rendered on or about August 16, 2010, 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 August 4, 2014 for the October 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 April 22, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

167 LLC,  
Petitioner-Landlord-Respondent,

-against-

M-419  
Index No. 570683/11

Nicholae Calinescu,  
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant pro se having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about October 7, 2013, for leave to proceed as a poor person, and related relief,

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

It is ordered that the motion is denied in its entirety.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

Present: Hon. David Friedman, Justice Presiding,  
Diane T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
Darya Braverman,

Plaintiff-Respondent,

-against-

Eric Braverman,

Defendant-Appellant.  
-----X

**M-980**  
Index No. 306221/11

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 28, 2013,

And defendant-appellant pro se having moved to stay enforcement of the aforesaid order, pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X  
Marilyn Qing Yu Hopeman,  
Plaintiff-Appellant,

-against-

**M-405**

Index No. 313120/10

Albert A. Hopeman, III,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about April 11, 2013 (mot. seq. nos. 002 and 005), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of a copy of plaintiff's 2011 and 2012 state and federal income tax returns, and a detailed notarized affidavit, in compliance with CPLR 1101(a), indicating the source of funds used to pay plaintiff's monthly rent and retained counsel. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----x  
Reshmee Rajnarain,

Plaintiff-Respondent,

-against-

M-1428  
Index No. 100680/10

Ripco Real Estate Corp., et al.,

Defendants-Appellants.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 18, 2013 (mot. seq. no. 005),

And defendants-appellants having moved for a stay of all proceedings 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 on condition the appeal is perfected on or before July 7, 2014 for the September 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 April 22, 2014.

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

-----X  
Standard Chartered Bank,

Plaintiff-Respondent,

-against-

M-6177  
Index No. 653506/11

Ahmad Hamad Al Gosaibi and Brothers  
Company, et al.,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 24, 2013 (Appeal No. 10869),

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 April 22, 2014.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Karla Moskowitz  
Leland DeGrasse  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

W. Robert Curtis,  
Plaintiff-Appellant,

-against-

M-1215  
Index No.104558/11

David Bouley, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an order enlarging the time to perfect appeals taken from an order of the Supreme Court, New York County, entered on or about April 30, 2013 and from an order of the same Court and Justice entered on or about February 6, 2014, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to the October 2014 Term. Plaintiff-appellant is permitted to prosecute the appeals upon 9 copies of one record and one copy of appellant's points covering the aforesaid appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2014.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Karla Moskowitz  
Leland DeGrasse  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
John Breceovich,

Plaintiff-Respondent,

-against-

M-1273  
Index No. 107613/08

Horizons Investors Corporation, et al.,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 15, 2013 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 April 22, 2014.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Karla Moskowitz  
Leland DeGrasse  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Terri Kornicki, etc., et al.,  
Plaintiffs-Appellants,

-against-

M-1257  
Index No. 304097/10

Rubin Shur, etc.,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 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 October 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 April 22, 2014.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application of  
Trenny Brown,  
Petitioner-Appellant,

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

**M-307**  
Index No. 401604/12

-against-

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

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, entered on or about July 16, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for a stay of a certain summary proceeding in Civil Court, pending hearing and determination of the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that petitioner-appellant serves one copy of such brief upon the attorney for respondent-respondent and files 8 copies of such brief, together with the original record, with this Court.

Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks a stay of a certain Civil Court matter is granted to the extent of continuing the interim relief granted by order of a Justice of this Court, dated January 21, 2014, pending hearing and determination of the appeal on condition that said appeal is perfected on or before July 7, 2014 for the September 2014 Term, with no further enlargements to be granted.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Isis, also known as Saraiyah  
U. A., also known as Maiya  
U.; Ariayah U.; Ahriel U.;  
Angelica U., and Ahzahriah U.,

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

- - - - -

Administration for Children's Services  
of the City of New York,  
Petitioner-Appellant,

M-1852  
Docket Nos.  
NN-50171-4/13  
NN-50222-3/13

Ayesha A. and Reggie U.,  
Respondents-Respondents.

- - - - -

Scott A. Rosenberg, Esq.,  
Attorney for the Children  
Isis, also known as  
Saraiyah U. A., also known as  
Maiya U.; Ariayah U., and  
Ahriel U.,

Steven N. Feinman, Esq.,  
Attorney for the Children  
Angelica U. and Ahzahriah U.

-----X

Respondent-respondent father Reggie U. having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 7, 2014, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-1851, decided simultaneously herewith.)

ENTER:

A handwritten signature in cursive script, appearing to read "Susan R. Jones", written in black ink.

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of

Isis, also known as Saraiyah  
U. A., also known as Maiya  
U.; Ariayah U.; Ahriel U.;  
Angelica U., and Ahzahriah U.,

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

-----  
Administration for Children's Services  
of the City of New York,  
Petitioner-Appellant,

M-1851  
Docket Nos.  
NN-50171-4/13  
NN-50222-3/13

Ayesha A. and Reggie U.,  
Respondents-Respondents.

-----  
Scott A. Rosenberg, Esq.,  
Attorney for the Children  
Isis, also known as  
Saraiyah U. A., also known as  
Maiya U.; Ariayah U., and  
Ahriel U.,

Steven N. Feinman, Esq.,  
Attorney for the Children  
Angelica U. and Ahzahriah U.

-----X

Nicole Riordan, Esq., assigned counsel for the children Angelica and Ahzahriah U., having moved on their behalf for leave to respond, as poor persons, to the appeal from the order of the Family Court, New York County, entered on or about April 7, 2014, 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, NYY 10601, Telephone No. 914-949-8214, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-1852, decided simultaneously herewith.)

ENTER:



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CLERK

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

BEFORE: Hon. Luis A. Gonzalez  
Justice of the Appellate Division

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

-against-

Gil Lewis,  
Defendant-Appellant.  
-----X

M-1228  
Ind. No.  
8989/98  
CERTIFICATE  
GRANTING LEAVE

I, Hon. Luis A. Gonzalez, 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 January 15, 2014,<sup>1</sup>

Dated: *April 15*, 2014  
New York, New York

**ENTERED**

APR 22 2014

*[Signature]*  
Hon. Luis A. Gonzalez  
Presiding Justice

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.

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<sup>1</sup>In 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 DEPARTMENT

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-138  
Ind. No. 4732/05

-against-

CERTIFICATE  
DENYING LEAVE

Sidney E. Purdie,

Defendant.

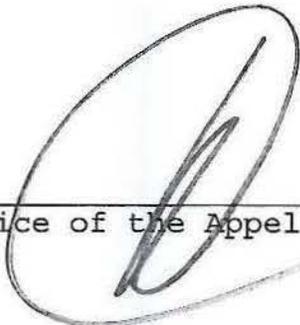
-----X

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 (Gregory Carro, J.), entered on or about December 4, 2013, which denied defendant's motion pursuant to CPL 440.20, is hereby denied.

Dated: New York, New York  
March 18, 2014

**ENTERED**

APR 22 2014

  
Justice of the Appellate Division

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-6628  
Ind. No. 3670/08

-against-

CERTIFICATE  
DENYING LEAVE

Anthony Toxey,

Defendant.

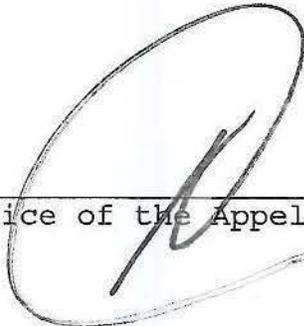
-----X

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 (Edward J. McLaughlin, J.), entered on or about September 26, 2013, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
March 18, 2014

ENTERED

APR 22 2014

  
Justice of the Appellate Division

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-6629  
NY Co. Ind No.  
1059/12

-against-

CERTIFICATE  
DENYING LEAVE

David Bullock,

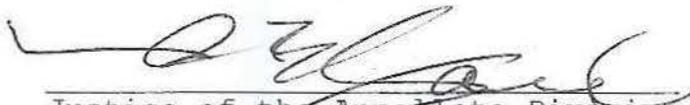
Defendant.  
-----X

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 September 9, 2013 is hereby denied.

Dated:

New York, New York

ENTERED

  
Justice of the Appellate Division

APR 22 2014

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-6586  
New York Co.  
Indictment No.  
2209/04

-against-

Lamaar Pleasant,

CERTIFICATE  
DENYING  
REARGUMENT

Defendant.  
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application by the above-named defendant for reargument of this Court's order entered October 1, 2013, denying a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, reargument of the order denying permission to appeal from the order of the Supreme Court, New York County, entered on or about March 18, 2013, is hereby denied.

Dated:

New York, New York

ENTERED

  
Justice of the Appellate Division

APR 22 2014