

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

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

-----X
Oakmont Resources Ltd. and Oakmont
Trading Ltd.,

Plaintiffs-Appellants,

-against-

Aaron Thomas, et al.,

Defendants-Respondents.
-----X

M-5324X
Index No. 651003/14

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 5, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 21, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 9, 2014.

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

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

Respondent,

-against-

M-5349
Ind. No. 383/13

Ernest Pervil,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 1, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated October 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 9, 2014.

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

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

-against-

M-5350
Ind. No. 866/13

Renee Sampson,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 2, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated October 7, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 9, 2014.

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

-----X

The Jones Group, Inc., et al.,

Plaintiffs-Appellants-Respondents,

-against-

M-5419X
Index No. 651402/13

Roberto Zamorra, 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 June 3, 2014 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 22, 2014, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

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

-----X
Ocean Pacific Interiors, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-5413
Index No. 113911/11

Leonard A. Farber, M.D., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 13, 2014 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated October 20, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

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

-----X
American Transit Insurance Company,
Plaintiff-Respondent,

-against-

Chrisner Paul, et al.,
Defendants,

M-5445
Index No. 108855/11

Alleviation Medical Service, P.C.,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 15, 2013,

Now, upon reading and filing the stipulation of the parties hereto, filed October 27, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

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

-----X

American Transit Insurance Company,
Plaintiff-Respondent,

-against-

Bianca Dobbs, et al.,
Defendants,

M-5462
Index No. 158652/12

Alleviation Medical Service, P.C.,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 19, 2013 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed October 27, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 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-5359
Ind. No. 4638/13

Carlos Almonte,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 24, 2014, 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, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 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-5360
Ind. No. 3277/10
Case No. 54888C/10

Derrick Brank,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 19, 2014, 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 – April 20, 2016

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 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-

Steven Leiva,
Defendant-Appellant.

M-5361
Ind. No. 2333/12
Case No. 37837C/12

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, **Bronx** County, rendered on or about June 13, 2014, 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, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 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,

SEALED

M-5363

-against-

Ind. No. 302/14

Diamond M.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 5, 2014, 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, 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 December 9, 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-5366
Ind. No. 3372/12

Theodore Paris, also known as
Theodore Parris,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 26, 2014, 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, 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 December 9, 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-5367
Ind. Nos. 2957/10
2687/10

Franklin Perez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 5, 2014, 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 December 9, 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-5368
Ind. No. 2635/08

Reginald Wiggins,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 7, 2014, 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 December 9, 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 a Family Offense Proceeding Under Article 8 of the Family Court Act.

- - - - -

Ramona A. A.,
Petitioner-Respondent,

M-5011
Docket No. O-15008/10

-against-

Juan M. N.,
Respondent-Appellant.

-----X

Petitioner-respondent 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 May 13, 2010, 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 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 respondent-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the March 2015 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 December 9, 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-4335

Ind. No. 99027/14

Julio Paredes,
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 (Joseph J. Dawson, J.), entered on or about August 6, 2014, 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 Dawson as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., 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 December 9, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Darcel D. Clark, Justices.

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

Respondent,

-against-

M-4009
Ind. No. 1113/11

Oscar L. Fuller,

Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 21, 2013 (Appeal No. 11148),

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. (CPLR 5602[a])

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 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-4621
Ind. No. 2533/02

Rohan Brown, also known as Rohan Johnson,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on June 21, 2007 (Appeal No. 8117),

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 untimely.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
Rolando T. Acosta
Karla Moskowitz, Justices.

-----X
Wendy Mathis,
Plaintiff-Respondent,

-against-

M-5428

M-5444

Index No. 21708/11

Zurich Insurance Company and
Empire Fire and Marine Insurance
Company,
Defendants-Appellants.

-----X

A purported appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 22, 2013, and said appeal having been deemed an appeal from the order and judgment (one paper) of said Court entered on or about February 13, 2014 [M-3407 entered August 28, 2014], and said appeal having been perfected,

And plaintiff having moved for an order dismissing defendants-appellants' appeal for failure to, inter alia, effectuate proper service of the record on appeal and appellants' brief on plaintiff-respondent (M-5428),

And defendants-appellants having cross-moved for an order, inter alia, deeming service of the aforesaid filings as sufficient (M-5444),

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 plaintiff's motion to dismiss the aforesaid is denied (M-5428). Defendants-appellants cross motion is granted to the extent of directing defendants-appellants to serve the record and brief in the form directed by this Court's prior order entered August 28, 2014 [M-3407] on or before February 2, 2015 for the April 2015 Term, to which Term the appeal is adjourned (M-5444).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
Rolando T. Acosta
Karla Moskowitz, Justices.

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

- - - - -
Neil S.,
Petitioner-Respondent,

M-5583
Docket Nos. V-4260-01/07G
V-4260-01/08H

-against-

Valynda G.,
Respondent-Appellant.
- - - - -

Steven N. Feinman, Esq.,
Attorney for the Child.
-----x

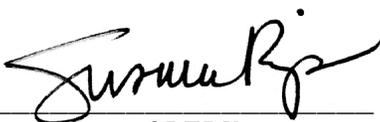
An order of this Court having been entered on October 14, 2014 (M-3530), granting petitioner-respondent's motion for leave to respond to the appeal from the order of the Family Court, New York County, entered on or about April 3, 2012 as a poor person, and assigning counsel therefor,

And petitioner-respondent having moved for, inter alia, dismissal of the aforesaid appeal 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 to dismiss the appeal is granted unless the appeal is perfected on or before February 2, 2015 for the April 2015 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 December 9, 2014.

Present - Hon. Luis A. Gonzalez,
Peter Tom
David Friedman
Rolando T. Acosta
Karla Moskowitz,

Presiding Justice,

Justices.

-----x
In Re: 91st Street Crane Collapse
Litigation

Index No. 771000/10

Maria Leo, Administratrix of the
Estate of Her Son, Donald Christopher
Leo, Deceased May 30, 2008,
Plaintiff,

-against-

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

ACTION NO. 1

Branch Radiographic Laboratories, Inc.,
Defendant-Respondent,

M-5463
Index No. 117294/08
(mot. seq. no. 075)

-and-

Leon D. DeMatteis Construction
Corporation,
Defendant-Appellant.

(And other actions)

Xhevahir Sinanaj and Selvi Sinanovic as
Co-Administrators of the Estate of
Ramadan Kurtaj, Deceased, and Selvi
Sinanovic, Individually,
Plaintiffs,

-against-

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

ACTION NO. 2

Branch Radiographic Laboratories, Inc.,
Defendant-Respondent,

M-5470
Index No. 117469/08
(mot. seq. no. 049)

-and-

Leon DeMatteis Construction Corporation,
Defendant-Appellant.

(And other actions)

-----x

Separate appeals having been taken in the above-entitled actions from orders of the Supreme Court, New York County, both entered on or about October 30, 2013,

And defendant-respondent Brand Radiographic Laboratories, Inc. having moved, by separate motions, for an enlargement of the record on appeal or, in the alternative, for this Court to take judicial notice of Case Management Order Number 26,

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

It is ordered that the motions are granted, and defendant-respondent is directed to file 9 copies of a supplemental record on appeal containing Case Management Order Number 26 (Exhibit B to the moving papers) forthwith.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X

Hosam Alrqi, q,

Plaintiff-Appellant,

-against-

M-4354

Index No. 104341/12

New York University, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about February 20, 2014,

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 unless the appeal is perfected on or before February 2, 2015 for the April 2015 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 December 9, 2014.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Malou Mananghaya, etc., et al.,
Plaintiffs-Respondents, M-5255

-against- Index No. 20191/13

Bronx-Lebanon Hospital Center, et al.,
Defendants.

- - - - -
Napoli Transportation, Inc., etc.,
Third-Party Plaintiff,

-against- Index No. 83819/13

Aggreko, LLC.,
Third-Party Defendant-Appellant.

- - - - -
The Bronx-Lebanon Hospital Center,
Second Third-Party Plaintiff,

-against- Index No. 83953/13

Aggreko, LLC.,
Second Third-Party Defendant-
Appellant.

-----x

Third-party defendant/second third-party defendant-appellant Aggreko, LLC. having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 9, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2015 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 December 9, 2014.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
The Receivers of Sabena SA,
Plaintiff-Respondent-Appellant,

-against-

M-5758
Index No. 653651/12

Deutsche Bank A.G., et al.,
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 7, 2014 (mot. seq. no. 002), and said direct appeal having been perfected,

And The Clearing House Association L.L.C. having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and the 10 copies of the amicus curiae brief submitted with the moving papers are deemed filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Richard T. Andrias
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Shahar Kenan,

Plaintiff-Appellant,

-against-

Levine & Blit, PLLC,

Defendant-Respondent.
-----X

M-3430

Index No. 111880/11

Defendant-respondent 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 April 14, 2014,

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 April 2015 Term. Sua sponte, the time to perfect said appeal is enlarged to said April 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

Sean Hill, also known as Mike Anthony
Floyd,
Defendant-Appellant.

M-4007
Ind. Nos. 1453/13
5502/11

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 27, 2013, and for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, 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. (See M-1656, entered May 23, 2013.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-4338
Ind. No. 1/13

Andre Dennis,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 25, 2013, for leave to prosecute the appeal as a poor person upon 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 deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

Ruby E. Konstantin, etc.,
Plaintiff-Respondent,

-against-

630 Third Avenue Associates, et al.,
Defendants,

M-3876
M-3963
M-3964
M-4003
M-5886

Tishman Liquidating Corporation,
Defendant-Appellant.

Index Nos. 190134/10
190196/10

Doris Kay Dummitt, etc.,
Plaintiff-Respondent,

-against-

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

Crane Co.,
Defendant-Appellant.
-----X

Defendant-appellant Tishman Liquidating Corporation, 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 3, 2014 (Appeal No. 11498/11499/11500) [M-3876],

And defendant-appellant Crane Co. having moved for leave to leave to appear amicus curiae in connection with the aforesaid motion (M-3963),

And the Coalition for Litigation Justice, Inc. ("Coalition") having moved for leave to file a brief amicus curiae in connection with the aforesaid motion (M-3964),

And Burnham LLC having moved for leave to file a brief amicus curiae in connection with the aforesaid motion (M-4003),

And Colgate-Palmolive Co.1 having moved for leave to file a brief amicus curiae in connection with the aforesaid motion (M-5886),

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

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

"Was the order of this Court, which affirmed the judgments of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion (M-3876).

It is further ordered that the motions for leave to file a brief amicus curiae in connection with the aforesaid motion are granted (M-3963/M-3964/M-4003/M-5886).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Richard T. Andrias
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
In Re: East 51st Street Crane Collapse Index No. 76900/08
Litigation:
-----X

Crave Foods Inc., doing business as
Crave Ceviche Restaurant,
Plaintiff,

-against-

M-4040

Index No. 117452/08

Rapetti Rigging Services Inc., et al.,
Defendants,

East 51st Street Development Company, LLC,
Defendant-Appellant.

-----X
In Re: East 51st Street Crane Collapse Index No. 76900/08
Litigation:
-----X

East 51st Street Development Company, LLC,
Third-Party Plaintiff-Appellant,

-against-

Favelle Favco Cranes (USA), Inc., et al.,
Third-Party Defendants-Respondents.
-----X

Defendant/third-party plaintiff-appellant having moved for consolidation of the appeals taken from orders of the Supreme Court, New York County, in two related cases, *Crave Foods Inc., doing business as Crave Ceviche Restaurant v Rapetti Rigging Services Inc., et al.*, (New York County Index No. 117452/08, and *In Re: East 51st Street Crane Collapse Litigation*: (New York County Index No. 76900/08), said orders having been entered on

or about November 27, 2013 and January 17, 2012, 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 consolidating the aforesaid appeals and permitting defendant/third-party plaintiff-appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals. The time to perfect the consolidated appeals is enlarged to the May 2015 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 December 9, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Timothy Bergin,
Petitioner,

M-4272

For a Judgment Pursuant to Article 78 Index No. 101247/13
of the Civil Practice Law and Rules,

-against-

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

-----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 December 12, 2013, to review a determination of respondents,

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to on or before February 2, 2015 for the April 2015 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 December 9, 2014.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

-----x
Arie Genger,
Plaintiff,

-against-

Sagi Genger,
Defendant-Respondent,

M-4988
Index No. 104249/07

-and-

Dalia Genger,
Defendant.

Orly Genger,
Non-Party Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 18, 2014 (mot. seq. no. 013), and said appeal having been perfected,

And non-party appellant having moved for 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 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 December 9, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x

JPMCC 200-CIBC13 Complex 2070, LLC,
Plaintiff-Respondent,

-against-

M-5043

M-5053

Index No. 35025/14E

KPP Arthur Avenue LLC,
Defendant-Appellant,

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, Bronx County, entered on or about June 11, 2014, and said appeal having been perfected,

And an order of this Court having been entered on September 30, 2014 (M-3997), inter alia, granting a preliminary appellate injunction on condition defendant-appellant perfects the appeal for the January 2015 Term, as indicated,

And defendant-appellant having moved for an order modifying the preliminary appellate injunction granted by the order of this Court entered September 30, 2014 (M-3997) to give it retroactive effect [M-5043],

And plaintiff-respondent having cross-moved for clarification of the order of this Court entered September 30, 2014 (M-3997) [M-5053],

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 to modify the preliminary appellate injunction granted by the order of this Court entered on September 30, 2014 (M-3997) is denied [M-5043], and it is further,

Ordered that the cross motion is granted to the extent of clarifying that the preliminary appellate injunction granted, restrained and enjoined plaintiff, its attorneys or receiver from taking any action to seize, dispose of, transfer, dissipate or encumber the real property located at 2070-2074 Arthur Avenue, Bronx, New York, Block 3069, Lots 63 and 65, and that the aforesaid preliminary appellate injunction only restrains any transfer in interest in the property by plaintiff, and does not address the management of the property.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

SRMOF II 2012-1 Trust, et al.,
Plaintiffs-Respondents,

-against-

M-5532

M-5534

Index No. 381099/12

Mercy I. Tella, also known as Mercy
Tella,
Defendant-Appellant,

The City of New York Environmental
Control Board, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 9, 2014,

And plaintiff-respondent having moved for an order dismissing the aforesaid appeal (M-5532),

And defendant-appellant having cross-moved for an order imposing costs and sanctions upon plaintiff-respondent (M-5534),

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

Ordered that the motion and cross motion are denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-3863
SCI. No. 1999N/13

Pierre Dor,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 24, 2013, for leave to prosecute the appeal as a poor person upon 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 deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
John W. Sweeny, Jr.
Barbara R. Kapnick, Justices.

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

-against-

M-4163
Ind. No. 2730/13

Erik Colvin,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 3, 2013, and for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
The People of the State of New York,
by Andrew W. Cuomo, Attorney General
of the State of New York,
Plaintiff-Respondent,

-against-

M-4146
Index. No. 1576/04

Edwin Rivera, doing business as
Immigracion Hoy, et al.,
Defendants-Appellants.

-----X

Defendant-appellant Edwin Rivera pro se 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 August 27, 2013, for assignment of counsel to prosecute the appeal, and an enlargement of time to perfect the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The time to perfect the appeal is enlarged to the May 2015 Term. The motion, to the extent it seeks assignment of appellate 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 December 9, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-4014
Ind. No. 6606/03

Kyle Jenkins,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 26, 2014 (M-2581) granting defendant leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 31, 2013, and assigning Scott A. Rosenberg, 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 successor assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, 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 December 9, 2014.

Present - Hon. David Friedman,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Darcel D. Clark,

Justice Presiding,

Justices.

-----X

Tavir Ahmed, et al.,
Petitioners-Respondents-Appellants,

M-5540

-against-

Action No. 1
Index No. 101692/13

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

- - - - -

Adelso Raul Delorbe, et al.,
Petitioners-Respondents-Appellants,

-against-

Action No. 2
Index No. 101762/13

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

-----X

Appeals having been taken to this Court by respondents, The City of New York, et al., from orders of the Supreme Court, New York County, both entered on or about April 11, 2014,

And the respective petitioners in both actions having filed cross appeals from the aforesaid orders,

And respondents, The City of New York, et al., having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted only to the extent of directing the Clerk of the Court to calendar the appeals and cross appeals for hearing together on the same day, 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 December 9, 2014.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

Josefina Cruz,
Plaintiff-Appellant,

-against-

M-5469

Index No. 100786/13

United Federation of Teachers
("UFT"),
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 30, 2013,

And plaintiff-appellant pro se having moved for consolidation of the instant appeal with her appeals from the actions, *Cruz v United Federation of Teachers*, Index No. 103386/11 and *Cruz v United Federation of Teachers*, Index No. 103927/12, 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 December 9, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-4126
Ind. No. 4712/10

Joseph Kastner,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 18, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2015 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 December 9, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Holdrum Investments, individually
and Derivatively on behalf of Museum
Partners, L.P.,
Plaintiff-Respondent/Appellant,

-against-

M-5188
Index No. 650950/11

Asher B. Edelman,
Defendant-Appellant/Respondent,
-----X

An appeal having been taken by defendant from an order of the Supreme Court, New York County, entered on or about April 18, 2013,

And an appeal having been taken by plaintiff from an order of the same Court entered on or about December 17, 2013,

And plaintiff-respondent/appellant having moved for an enlargement of time to perfect his appeal from the order of the Supreme Court, New York County, entered on or about December 17, 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 plaintiff's appeal from the order of the Supreme Court, New York County, entered on or about December 17, 2013 to the April 2015 Term. Sua sponte, defendant's appeal from the order of said Court entered on or about April 18, 2013 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 December 9, 2014.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----x
Shafi Rivera,

Plaintiff-Appellant,

-against-

M-5441
Index No. 304455/13

Corrections Officer L. Banks, etc.,
et al.,

Defendant-Respondent.
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, Bronx County, entered on or about January 6, 2014 and March 20, 2014, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about January 6, 2014,

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 the appeals are consolidated, and plaintiff is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the April 2015 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 December 9, 2014.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----x
2406-12 Amsterdam Associates LLC,

Plaintiff-Respondent,

-against-

M-5568
Index No. 151120/13

Alianza LLC, 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 January 21, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2015 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 December 9, 2014.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Emma O. Asante,
Plaintiff-Appellant-Respondent,

-against-

M-5266
M-5378
Index No. 433318/10

Prince Asante,
Defendant-Respondent-Appellant,

-and-

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

-----X

Plaintiff-appellant-respondent having moved for an enlargement of time to perfect her appeal from the order of the Supreme Court, New York County, entered on or about November 12, 2013 (mot. seq. no. 003) [M-5266],

And defendant-respondent-appellant having cross-moved for an enlargement of time to perfect his 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 and cross appeal to the May 2015 Term, and plaintiff Asante's appeal is deemed the direct appeal, and defendant Asante's appeal is deemed to the cross appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

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

-----X
In the Matter of the Application of
Junior Pacheco, also known as Junior J.
Pacheco, also known as J.J. Pacheco,
Petitioner-Appellant,

M-4104

For a Judgment Pursuant to Article 78 Index No. 400336/13
of the Civil Practice Law and Rules,

-against-

State of New York Department of Motor
Vehicles,
Respondent-Respondent.

-----X
Petitioner-appellant pro se having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 12, 2014, 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, without prejudice to further proceedings in Supreme 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 December 9, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Claire Urich,
Plaintiff-Respondent,

-against-

M-5655

Index No. 155157/12E

765 Riverside LLC and J.K. Management Corp.,
Defendants-Appellants.

-----X
765 Riverside LLC and J.K. Management Corp.,
Third-Party Plaintiffs-Appellants,

-against-

Third-Party
Index No. 590681/13

Vincent Heyward,
Third-Party Defendant-Respondent.

-----X

Defendants/third-party plaintiffs-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 June 25, 2014, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated November 12, 2014, and due deliberation having been had thereon,

It is ordered that the motion is granted pursuant to 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 December 9, 2014.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4651
Ind. No. 2542/02

Sharma Ross,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 9, 2012 (Appeal No. 8234), unanimously affirming a judgment of the Supreme Court, Bronx County (Thomas A. Farber, J.), rendered on March 30, 2005,

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

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Manuel John Mehos,
Petitioner-Respondent,

-against-

M-5631
Index No. 350044/12

Lisa Rossi Mehos,
Respondent-Appellant.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about March 24, 2014, July 7, 2014, July 10, 2014, August 1, 2014, and from the order and judgment (one paper) of said Court entered on or about April 9, 2014, respectively, and said appeals having been perfected, on a single record and supplemental record,

And respondent-appellant having moved for preference in hearing of the appeals,

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

It is ordered that the motion is granted, and the Clerk is directed to calendar the appeals for hearing in the first week of the January 2015 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 December 9, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Alex Grafov,

Plaintiff-Appellant,

-against-

M-4088

Index No. 110620/08

Chelsea Bicycles Corporation, etc.,

Defendant-Respondent.

-----X

Appeals having been taken from orders of Supreme Court, New York County, entered on or about July 6, 2012 and from an order of the same Court and Justice entered on or about April 14, 2014,

And defendant-respondent having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about July 6, 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 dismissing the appeal from the aforesaid order entered on or about July 6, 2012 as subsumed in the appeal from the order entered on or about April 14, 2014.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-3908
Ind. No. 1800/10

John Headley,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 14, 2011,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal, dated June 10, 2012, timely filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT - Hon: Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Mark A. Smith,

Plaintiff-Appellant,

-against-

M-4107
Index Nos. 1740/01
570657/10

The Girls Club of New York,

Defendant-Respondent.

-----X

An appeal having been taken from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 13, 2012,

And plaintiff-appellant pro se having moved for leave to prosecute the appeal as a poor person, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

And an order of this Court having been entered on April 29, 2014 (M-2094A) granting the aforesaid requested 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 reaffirming the civil poor person relief granted by the order of this Court entered on April 29, 2014 (M-2094A). Sua sponte, the time to perfect the appeal is enlarged to the May 2015 Term.

The corrected order of this Court entered July 1, 2014 (M-1964) is recalled and vacated insofar as plaintiff's prior motion for civil poor person relief was denied therein.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Plymouth Financial Company, Inc.,

Plaintiff-Respondent,

-against-

M-3646
Index No. 651185/12

Plymouth Park Tax Services LLC,

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 June 24, 2014 (Appeal Nos. 11964-11965),

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 December 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

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

Carlos S.,
Petitioner-Respondent,

-against-

M-3893
Docket Nos. V-28040-1/11
V-1163-4/12/12A

Ana S.,
Respondent-Appellant.

Cassandra M. Celestin, Esq.,
Children's Law Center,
Attorney for the Children.

-----X
Respondent-appellant pro se 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 June 26, 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. (603) 313-1951, 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 therefor;¹ **within 30 days (FCS 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 the 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 December 9, 2014.

PRESENT : Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
State Farm Fire and Casualty Company,
Plaintiff-Respondent,

-against-

M-3926
Index No. 301056/12

Jennifer Guzman, et al.,
Defendants,

Dulce Cabrera,
Defendant-Appellant.

-----X

Defendant Dulce Cabrera having moved for consolidation of the appeals taken from the orders of the Supreme Court, Bronx County, entered on or about October 24, 2013 and April 15, 2014, respectively, and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the April 2015 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 December 9, 2014.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Edward A. Amley, Jr.,

Plaintiff-Respondent,

-against-

M-4134
Index No. 307907/13

Xixi Yin Amley,

Defendant-Appellant.
-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about July 17, 2014,

And an order of this Court having been entered on August 7, 2014 (M-3586) denying a stay of enforcement of the aforesaid orders and vacating the interim relief granted by an order of a Justice of this Court, dated July 28, 2014,

And defendant-appellant having moved for reconsideration of this Court's order entered on August 7, 2014 (M-3586),

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

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

M-5313
Ind. No. 5298/2003

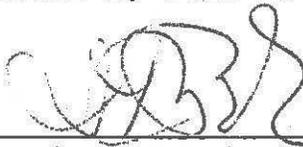
-against-

CERTIFICATE
DENYING LEAVE

Jonathan Rodriguez,
Defendant.

-----X

I, Dianne T. Renwick, 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, entered on or about September 3, 2014 is hereby denied.



Associate Justice

Dated: _____, 2014
New York, New York

ENTERED: DEC 09 2014

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 - 5261
Ind. No. 4779/08

-against-

CERTIFICATE
DENYING LEAVE

Luis Galeano,

Defendant.
-----X

I, Rolando T. Acosta, 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, as well as for poor person relief, 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 11, 2014, is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: November 24, 2014
New York, New York

ENTERED: **DEC 09 2014**

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

-against-

M-4601
53125C/05
2607C/05

Rafael Perez,

ORDER DENYING STAY,
ROR OR BAIL
PENDING APPEAL

Defendant.

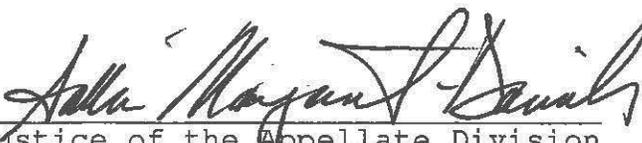
-----X

An appeal having been taken to this Court by the above-named defendant from the judgments of the Supreme Court, Bronx County, rendered on November 29, 2006, and defendant having moved, pursuant to CPL 460.50 and 530.50 for bail, release on his own recognizance, or a stay of judgment pending the hearing and determination of the aforesaid appeals,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: November 24, 2014
New York, New York


Justice of the Appellate Division

ENTERED: DEC 09 2014

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

BEFORE: Hon. Paul G. Feinman
Justice of the Appellate Division

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

Respondent

M-5184
Ind. No. 1689/10

-against-

CERTIFICATE
DENYING LEAVE

Joshua Price

Defendant.
-----X

I, Paul G. Feinman, 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 (Bruce Allen, J.), entered on or about August 1, 2014, is hereby denied, and the application for poor person relief and appointment of appellate counsel is therefore moot.



Associate Justice

Dated: November 20, 2014
New York, New York

Entered: **DEC 09 2014**