

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

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

-----X

Confesora Martinez,
Plaintiff-Appellant,

-against-

M-6157X
Index No. 110659/08

Government Employees Insurance Company,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 9, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 25, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

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

-----X
Mitchell Konsker, et al.,
Plaintiffs-Respondents,

-against-

M-6270X
Index No. 651493/12

Cushman & Wakefield, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 15, 2013, and a so ordered transcript entered on or about March 26, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 4, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

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

-----X
Phyllis J. Sirico, et al.,
Plaintiffs-Respondents,

-against-

M-6272X
Index No. 604403/05

F.G.G. Productions, Inc.,
Defendant,

Universal Music Group, Inc., et al.,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 13, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 4, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

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

-----X

Charles James,

Plaintiff-Respondent,

-against-

M-6184

Index No. 101471/10

Midtown West B LLC, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 26, 2013,

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

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

ENTER:



CLERK

(M-4136A/M-4343A)
(M-4465A/M-4467A)
(M-4758)

-2-

January 23, 2014

Now, upon reading and filing the papers with respect to the motion and cross motions, and the stipulation of the parties dated September 11, 2013 (M-4758), and due deliberation having been had thereon,

It is ordered that the appeals and motions are deemed withdrawn, the underlying action having been settled. The order of this Court entered on December 19, 2013 (M-4136/M-4343/M-4465/M-4467) is hereby recalled and vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----X
Mageedah Akhtab,

Plaintiff-Appellant,

-against-

M-6218

Index No. 106770/11

BCBG Max Azria Group, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about April 19, 2012, June 28, 2012 (mot. seq. nos. 002, 003), August 23, 2012 (mot. seq. nos. 004, 005), and October 24, 2012 (mot. seq. nos. 005, 006), respectively,

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

It is ordered that the motion is denied and, sua sponte, 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 January 23, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----X
Silas Carstarphen,
Plaintiff-Appellant,

-against-

M-6130
Index No. 23915/06

St. Barnabas Hospital,
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeals taken from orders of the Supreme Court, Bronx County, entered on or about June 5, 2012 and June 27, 2012, respectively, 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 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 January 23, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----X
Jose R. Almonte,
Plaintiff-Appellant,

-against-

CPS 1 Realty LP, et al.,
Defendants-Respondents.

M-5844
Index No. 102830/10

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 18, 2012,

And defendants-respondents having moved for vacatur of the notice of appeal, or for other relief,

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

It is ordered that the motion is granted to the extent of dismissing the aforesaid appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 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, M-6116
Respondent, M-6442
Ind. Nos. 866/11
-against- 52/11
Case Nos. 10171C/11
Sergio G. Hernandez, 67387C/10
Defendant-Appellant.
-----X

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

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

It is ordered that the motions are granted to the extent of deeming 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.

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 January 23, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----X

In the Matter of the Application of
the State of New York,
Petitioner-Respondent,

M-6195
Index No. 30198/11

For a Judgment Pursuant to Article 10
of the Mental Hygiene Law,

-against-

Ireek M.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 20, 2013,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings in this matter, and 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26th Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent-appellant's behalf.

ENTER:



CLERK

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 January 23, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----X
In the Matter of Proceeding for
Support Under Article 5 of the
Family Court Act.

Robert V. C.,
Petitioner-Appellant,

M-6295
Docket No. F-4406/95-12L

-against-

Polly V. H.,
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from an order of Decision and Objection of the Family Court, Bronx County, entered on or about April 22, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 181 Hudson Street, Suite 1A, New York, NY 10013, Telephone No. 212-965-0050, 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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

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

-against-

M-6220
Index No. 25347/97

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

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

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

Consolidated appeals having been taken by defendants Higraban of N.Y., Inc. and Statbrook Contracting Company, Inc., from orders of the Supreme Court, Bronx County, entered on or about April 4, 2012 and October 28, 2012, respectively,

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the June 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 January 23, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
David B. Saxe, Justices.

-----x
Colony Insurance Company,
Plaintiff-Respondent,

-against-

Danica Group, LLC,
Defendant-Appellant,

M-5967
M-5968
Index No. 116200/10

-and-

Zurich American Insurance Company and
Pav-Lak Industries, Inc.,
Defendants-Intervenors-Appellants.

- - - - -
New York Marine and General Insurance
Company,
Proposed Intervenor-Appellant.

- - - - -
[And five other consolidated actions]

-----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 March 27, 2013 (mot. seq. no. 003); and appeals having been taken to this Court from orders of said Court entered on or about September 27, 2013 (mot. seq. no. 007) and September 30, 2013 (mot. seq. no. 005), and said appeals and cross appeal having been perfected,

And defendant-appellant Danica Group LLC (M-5967) and defendants-intervenors-appellants Zurich American Insurance Company, et al. (M-5968) having moved to stay, pending hearing and determination of the aforesaid appeals and cross appeal, all proceedings in the six consolidated insurance coverage actions entitled as follows: *Colony Insurance Company v Danica Group, LLC, etc.* [Index No. 116200/10]; *Zurich, et al. v Colony, Danica and Copper* [Index No. 155730/12]; *Zurich, Allen/Orchard, et al. v Colony, et al.* [Index No. 155726/12]; *Zurich, et al. v Colony, et al.* [Index No. 155725/12]; *Zurich, et al. v Colony, et al.* [Index No. 155729/12]; and *New York Marine and Gen. Ins. Co. v Danica Group, LLC, et al.* [Index No. 150162/10],

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 to the extent of staying proceedings in the aforesaid six matters pending hearing and determination of the appeals and 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 January 23, 2014.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-5449
Ind. No. 6128/07

Guillermo Santos,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about October 20, 2008,

And assigned counsel having moved for an order substituting other counsel to prosecute the appeal or, in the alternative, for dismissal 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 deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

In the Matter of a Proceeding for Paternity Under Article 5 of the Family Court Act.

- - - - -

Alex D., M-2039
Petitioner-Respondent, Docket No. P23832/09

-against-

Lance E.,
Respondent,

Sara E.,
Respondent-Appellant,

Max E.,
Respondent-Appellant.

- - - - -

Elisa Barnes, Esq.,
Attorney for the Child,
Max E.

-----X

Colleen Samuels, Esq., Family Court attorney for the child, Max E., having moved on said child's behalf for leave to prosecute, as a poor person, the aforesaid child's appeal from an order of the Family Court, New York County, entered on or about March 15, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

And an appeal having been taken by respondent-appellant Sara E. from the aforesaid order,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. 212-693-2330, as

counsel for purposes of prosecuting the appeal of the child Max E. and responding to the aforesaid appeal of respondent-appellant Sara E.; (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 State of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1640, decided simultaneously herewith.)

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 January 23, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of a Proceeding for
Paternity Under Article 5 of the
Family Court Act.

Alex D., M-1640
Petitioner-Respondent, Docket No. P23832/09

-against-

Lance E.,
Respondent,

Sara E.,
Respondent-Appellant,

Max E.,
Respondent-Appellant.

Elisa Barnes, Esq.,
Attorney for the Child,
Max E.

-----X
Respondent-appellant Sara E. having moved for leave to prosecute, as a poor person, her appeal from an order of the Family Court, New York County, entered on or about March 15, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

And an appeal having been taken by the child Max E. from the aforesaid order,

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

Ordered that the motion is granted to the extent of
(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 prosecuting the appeals of respondent-appellant Sara E. and responding to the aforesaid appeal of Max E.; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-2039, decided simultaneously herewith.)

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 January 23, 2014.

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

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

-against-

M-5147
Ind. No. 672/07

Ralph Labarbera,
Defendant-Appellant.

-----x

An order of this Court having been entered on December 20, 2011 (M-4529), inter alia, granting defendant leave to prosecute the appeal from the order of the Supreme Court, New York County (Stone J.), entered on or about October 4, 2011 as a poor person, and assigning counsel therefor,

And defendant-appellant having moved for poor person relief and assignment of appellate counsel with respect to the appeal from the order of said Court and Justice entered on or about July 24, 2013, and for an enlargement of time to perfect the appeal from the order entered on or about October 4, 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 amending the order poor person relief and order of assignment entered on or about October 4, 2011 (M-4529) to include the appeal from the order of said Court and Justice entered on or about July 24, 2013 and as such the poor person relief previously granted is so extended and continued. Sua sponte, the appeals are consolidated, and the time to perfect the consolidated appeals is enlarged until 120 days from the date of filing of the record of the appeal from the order entered July 24, 2013.

ENTER:


CLERK

CORRECTED ORDER - January 29, 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 January 23, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----x
In the Matter of the Application of
The Patrolmen's Benevolent Association
of the City of New York, et al.,
Petitioners-Respondents,

For an Order Pursuant to Article 75
of the CPLR, etc.,

M-6258
Index No. 113039/11

-against-

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

A corrected decision and order of this Court having been entered on December 3, 2013 (Appeal No. 10314N), reversing an order and judgment (one paper) of the Supreme Court, New York County (Joan B. Lobis, J.), entered on December 30, 2011,

And petitioners-respondents having moved for vacatur of the aforesaid decision and order, and to reschedule oral argument,

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 recalling and vacating the order of this Court entered December 3, 2013 (Appeal No. 10314N), and directing the Clerk to reschedule oral argument of the aforesaid appeal for the next date determined to be available therefor.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

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

-----X
In the Matter of the Application of
Carolyn Rollins,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-6211
of the Civil Practice Law and Rules Index No. 402219/11

-against-

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

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about March 26, 2012,

And respondent-respondent having moved to dismiss 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 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 January 23, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Marianne T. O'Toole, Chapter 7 Trustee,
As Successor in Interest to Kevin Mosley,
Plaintiff-Appellant,

-against-

M-6236
Index No. 115084/08

George L. Unis, M.D.,
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about July 15, 2013,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before March 17, 2014 for the June 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 January 23, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Anthony Hill,
Plaintiff-Appellant,

-against-

M-6449
Index No. 305287/08

Acies Group, LLC, et al.,
Defendants-Respondents.
-----X
(And a third-party action)
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about November 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 on or before March 17, 2014 for the June 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 January 23, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Efraim Shurka,
Plaintiff,

-against-

M-6013
Index No. 304584/08

Jane Shurka,
Defendant-Respondent.

- - - - -

Esther Zernitsky,
Third-Party Plaintiff-Appellant.

-----X

Third-party plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 2, 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 June 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 January 23, 2014.

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

-----X
Keith Luebke,

Plaintiff-Appellant,

-against-

MBI Group, et al.,

Defendants-Respondents.
-----X

M-6110
Index No. 114861/08

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 20, 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 June 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 January 23, 2014.

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

-----x

Gloria Blaize,
Plaintiff-Appellant,

-against-

M-6190
Index No. 159164/12

New York City Department of Education,
Defendant-Respondent.

-----x

A decision and order of this Court having been entered on December 3, 2013 (Appeal No. 11240N), unanimously affirming the order of the Supreme Court, New York County (Margaret A. Chan, J.), entered on March 11, 2013,

And an appeal having been taken to this Court from the order of said Court and Justice entered on or about November 20, 2013,

And plaintiff-appellant having moved to "stay the decision" on the appeal from the order entered on or about March 11, 2013, for consolidation of the appeals, and for other relief,

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

It is ordered that the motion is denied, as moot.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Thomas A. Mike,
Plaintiff-Respondent,

-against-

M-6260

Index No. 108385/10

91 Payson Owners Corp. and Cooper
Square Realty, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 5, 2013, and said appeal having been heard,

And defendants-appellants having moved for an order staying all proceedings, including trial, pending hearing and determination of the appeal, and for a preference in the hearing of 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 in accordance with the interim relief granted by the order of a Justice of this Court dated December 4, 2013 to the extent of staying all proceedings, including trial, pending hearing and determination of the aforesaid appeal and otherwise denied, as academic.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

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

-----X
In the Matter of the Application of
City World Motors, LLC.,
Petitioner,

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

M-5256
Index No. 102122/12

-against-

The Commissioner of the Department
of Consumer Affairs of the City of
New York,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 12, 2012,

And petitioner having moved for an enlargement of time to perfect the proceeding, and for a stay of enforcement of the administrative order,

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

It is ordered that the motion is granted to the extent of staying enforcement of the administrative order on condition petitioner posts an undertaking in the amount of \$24,000 within 30 days of the date of entry hereof, and on condition the proceeding is perfected on or before March 17, 2014 for the June 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 January 23, 2014.

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

-----X
In the Matter of

Jessica Marie C.,

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

M-4333

Docket No. B-45155/10

- - - - -
Edwin Gould Services For Children and Families,
Petitioners-Respondents,

Anthony H.,
Respondent-Appellant.

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

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

Docket No. V-42398/11

- - - - -
Anthony H.,
Petitioner-Appellant,

-against-

The Administration for Children's Services,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about May 21, 2012, and said appeal having been perfected,

And respondent-appellant, Anthony H., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County (Docket No. B-45155/10), entered on or about June 5, 2013, for the 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, Kenneth Walsh, Esq., 1133 Broadway, Suite 708, New York, NY 10010, Telephone No. (718) 837-8368, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

It is further ordered that the aforesaid perfected appeal is adjourned to the June 2014 Term, and assigned counsel is directed to perfect the aforesaid appeal from the order entered June 5, 2013 on or before March 17, 2014 for said June 2014 Term. The Clerk is directed to calendar the aforesaid appeals for hearing together in said June 2014 Term, if so perfected.

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 January 23, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of
the State of New York,
Petitioner-Respondent,

M-6022
Index No. 30042/11

For a Judgment Pursuant to Article 10
of the Mental Hygiene Law,

-against-

Dennis J.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 6, 2013,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings in this matter, and 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26th Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent-appellant's behalf.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Paul G. Feinman, Justices.

-----x
Tarry Realty LLC,
Plaintiff-Appellant,

-against-

Utica First Insurance Company,
Defendant-Respondent/Respondent,

M-6526
Index No. 156966/12

-and-

Sinis Contracting, Inc.,
Defendant-Appellant.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 22, 2013, and said appeals having been perfected,

And defendant-appellant Sinis Contracting, Inc. having moved for an order staying and/or enjoining defendant-respondent/respondent, and any entity or person on its behalf, from taking any actions to enforce the aforesaid order, and staying any proceedings in Supreme Court, Westchester County, relating to the enforcement of said order to the extent it found that Utica First Insurance Company had no obligation to defend or indemnify defendant-appellant Sinis Contracting, Inc., 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 January 23, 2014.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

BDC Finance L.L.C.,
Plaintiff-Appellant-Respondent,

-against-

M-6099
Index No. 650375/08

Barclays Bank PLC,
Defendant-Respondent-Appellant.

- - - - -

Barclays Bank PLC,
Counterclaim-Plaintiff
-Respondent-Appellant,

-against-

BDC Finance L.L.C.,
Counterclaim-Defendant
-Appellant-Respondent.

-----X

Defendant-respondent-appellant Barclays Bank PLC having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 24, 2013 (Appeal No. 9906),

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, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent they seek 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 modified the order of Supreme Court, properly made?"

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 23, 2014.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Dianne T. Renwick
Leland DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Emery Celli Brinckerhoff & Abady, LLP,
Plaintiff-Respondent,

-against-

M-6147
Index No. 103871/10

Michael Rose,
Defendant-Appellant.
- - - - -
[And a Third-Party Action]

-----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 12, 2013 (Appeal Nos. 11022-11023),

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. Luis A Gonzalez**
Justice of the Appellate Division

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

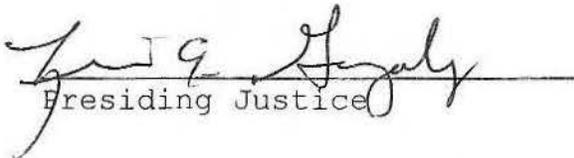
M - 975
Ind. No. 2496/93

-against-

CERTIFICATE
DENYING LEAVE

Oscar Pagan,
Defendant.

-----X
I, Luis A. Gonzalez, Presiding Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about August 7, 2012 is hereby denied.


Presiding Justice

Dated: **JANUARY 9**, 2014
New York, New York

ENTERED: **JAN 21 2014**

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

-against-

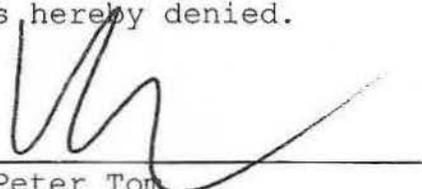
Lina Sinha,

Defendant.
-----X

M-5115
Ind. No. 2466/06

CERTIFICATE
DENYING LEAVE

I, Peter Tom, 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 10, 2013 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: January 9, 2014
New York, New York

ENTERED

JAN 21 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 - 6251
Ind. No. 181/11

-against-

CERTIFICATE
DENYING LEAVE

Martin Martinez,

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, 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 orders of the Supreme Court, New York County, entered on or about September 30, 2013.



Hon. Rolando T. Acosta
Associate Justice

Dated: January 7, 2014
New York, New York

ENTERED:

JAN 21 2014

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-4363
Ind. No. 4560/96

-against-

CERTIFICATE
DENYING LEAVE

Luis Burgos Santos,

Defendant.

-----X

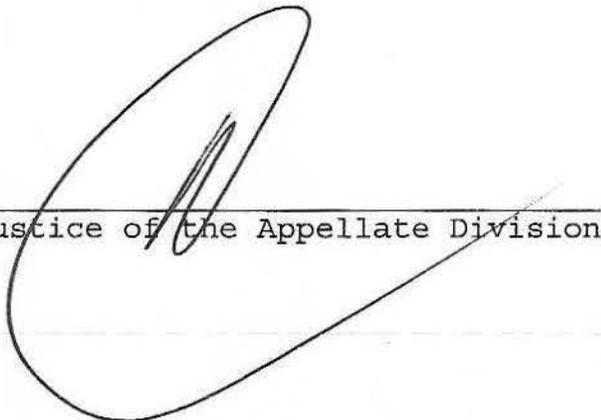
I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question 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, Bronx County (Martin Marcus, J.), entered on or about July 1, 2013, which denied defendant's motion to vacate the judgment and sentence, deemed to be a motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
January 13, 2014

Justice of the Appellate Division

ENTERED

JAN 21 2014



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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

-against-

Raymond Medina

Defendant.

-----X

M-6281
Ind. No. 4389/09

CERTIFICATE
DENYING LEAVE

I, Karla Moskowitz, 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 that ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about November 8, 2013, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated:  13, 2014
New York, New York

ENTERED:
JAN 21 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,

M-5805
Ind. No. 5591/04

-against-

CERTIFICATE
DENYING LEAVE

Omar Minus,

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 (Maxwell Wiley, J.), entered on or about October 9, 2013, is hereby denied.



Justice

Dated: New York, New York
January 9, 2014

ENTERED

JAN 21 2014