

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Ann Marie Bard, et al.,
Plaintiffs,

-against-

M-4305X
Index No. 102449/06

The Port Authority of New York and
New Jersey, et al.,
Defendants.

-----X
The Port Authority of New York and
New Jersey,
Third-Party Plaintiff-Respondent,

-against-

Five Star Parking,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 8, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 21, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Carol Deopsomer, et al.,
Plaintiffs-Appellants,

-against-

M-4381X
Index No. 104597/08

Agawani International, Inc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 18, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 26, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Michael V. Stallone, et al.,
Plaintiffs-Respondents,

-against-

M-4382X
Index No. 105940/08

Plaza Construction Corp., et al.,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 11, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 26, 2011, 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 1, 2011.

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

-----X

In the Matter of the Application of

Qwest Communications Company, LLC,
formerly known as Qwest Communications
Corp.,

M-4403X

Index No. 651640/10

Petitioner-Respondent,

-against-

Geo-Group Communications, Inc.,
Respondent-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about May 17, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 27, 2011, 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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Elio Puig,
Plaintiff-Respondent,

-against-

M-4550X
Index No. 305277/08

Consolidated Edison Company of
New York, Inc.,
Defendant,

D'Onofrio General Contracting,
Defendant-Appellant.

-----X
Consolidated Edison Company of
New York, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 84197/08

Areva T&D,
Third-Party Defendant,

D'Onofrio General Contracting,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 4, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 7, 2011, 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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Millennium Holdings LLC,
Plaintiff-Counterclaim
Defendant-Respondent,

-against-

M-4618X
Index No. 600920/08

The Glidden Company, now known as
Akzo Nobel Paints LLC,
Defendant Counterclaim
Plaintiff-Respondent.

Certain Underwriters at Lloyd's, London
and Certain London Market Insurance
Companies,
Sub Judice Intervenor
Plaintiffs-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 17, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 13, 2011, 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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Horse-Shoe Capital,

Plaintiff-Appellant,

-against-

M-4626X
Index No. 650512/10

American Tower Corporation, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 31, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 13, 2011, 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 1, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4853

Index Nos. 4808/01
4035/02

Julio Pereira, also known as Hector J.
Cruz, also known as Ricky Pereira,
also known as Julio Pereria,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 30, 2010, **denying resentence**,

Now, upon reading and filing the stipulation of the parties hereto, dated October 13, 2011, 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 1, 2011.

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

-----X
Jersey Narcisse and Meishel Suazo,

Plaintiffs-Respondents,

-against-

Donald S. Pollard and Donald D. Pollard,

Defendants-Appellants.
-----X

M-4008
M-4326X
Index No. 113961/07

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 16, 2010,

And defendants-appellants having moved for an order enlarging their time in which to perfect the aforesaid appeal (M-4008),

Now, upon reading and filing the papers with respect to the motion (M-4008), and the correspondence from counsel for defendants-appellants dated September 15, 2011, and due deliberation having been had thereon, it is

Ordered that defendants' motion (M-4008) is deemed withdrawn in accordance with the aforesaid correspondence,

And, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 22, 2011, and due deliberation having been had thereon,

It is ordered that defendants' appeal is withdrawn in accordance with the aforesaid stipulation (M-4326X).

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Guillermo Ramirez-Martinez,

Plaintiff-Appellant-Respondent,

-against-

M-4386X
Index No. 105121/07

300 East 74th Street Garage Corp.,
300 East 74 Owners Corp.,

Defendants-Respondents-Appellants.

(And a third-party action)

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 4, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 23, 2011, 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 1, 2011.

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

-----X
Pupil Transportation Systems, Inc.,
Plaintiff-Respondent,

-against-

M-4859
Index No. 123850/93

The Board of Education of the City
of New York,
Defendant-Appellant.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 10, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed October 24, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2010 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 1, 2011.

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

-----X
338 West 17 St LLC,
Plaintiff-Respondent,

-against-

M-3763

Index No. 109811/10

338 West 17 LLC and David Jacobson,
Defendants-Appellants.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 14, 2011,

And defendants-appellants having moved for an order staying all proceedings pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants-appellants, dated October 11, 2011, and due deliberation having been had thereon, it is

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4665
D.C. #6
Ind. No. 2568/06

Bryan Andino,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about March 18, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

Horacio Blackwood,
Defendant-Appellant.

M-4671
D.C. #14
Ind. No. 1816/08

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4673
D.C. #17
Ind. No. 3/06

Lillo Brancato,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about January 9, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4674
D.C. #18
Ind. No. 830N/04

Reginald Brickhouse,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 4, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4676
D.C. #21
Ind. No. 2661/08

Luis Cajigas,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 5, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4678
D.C. #24
Ind. No. 4596/06

Lee Carr,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4679
D.C. #25
Ind. No. 453/94

Raul Castillo,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 5, 1995,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Darwin Castro,
Defendant-Appellant.

M-4680
D.C. #26
Ind. Nos. 4607/07
583/08

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about January 30, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4681
D.C. #27
Ind. No. 4386/08

Victoria Chin,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 22, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4682
D.C. #28
Ind. No. 3938/08

Tony Clanton,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 18, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4685
D.C. #32
Ind. No. 602/07

Julio Cruz,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 8, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4688
D.C. #36
Ind. No. 4558/04

Amir Douglas,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 24, 2007,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4698
D.C. #46
Ind. No. 2450/08

Beneto Gumbs,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 26, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4705
D.C. #54
Ind. No. 1633/07

Brian Hawkins,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2007,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4707
D.C. #56
Ind. No. 1992/08

Tyhiem Hodges,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 2, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4710
D.C. #58
Ind. No. 2035/02

George Hyde,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the order of the Supreme Court, Bronx County, rendered on or about December 23, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011 pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the March 2012 Term and counsel is directed to so perfect.

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 1, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of

Kaeron H.,

A Person Alleged to Be a Juvenile
Delinquent,
Appellant.

M-4843
Docket No. D417/11

-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about September 8, 2011, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Tel. No. (212)724-2792, 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 State of New York from funds available therefor;¹ **within 60 days of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect the appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent 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 1, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3616
Ind. No. 1707/07

Pedro Mena,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 10, 2010 (Appeal No. 2332), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzel, J.), rendered on June 9, 2008,

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 1, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

In re Eddie Maldonado,

Petitioner-Appellant,

-against-

M-3922

Index No. 109717/09

Raymond Kelly, as Police Commissioner
of the City of New York, etc., et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 28, 2011 (Appeal No. 4831),

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 1, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Ricardo Flores,

Plaintiff-Appellant,

-against-

M-4072
Index No. 8996/07

ERC Holding LLC, 458 E. 14th Street
Realty Corp. and West Star Construction Corp.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 4, 2011 (Appeal No. 4905),

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 1, 2011.

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

-----X
Stanimir Nenadovic,
Plaintiff-Respondent,

-against-

M-4613

Index Nos. 108917/07
400598/08

P.T. Tenants Corp., now known as Park
Terrace Gardens, Inc.,
Defendant-Appellant,

Prudential & Douglas Elliman, now known
as Douglas Elliman Property Management,
Defendant,

Liberty Architectural Products Co.,
Inc.,
Defendant-Appellant,

Liro Program and Construction Management,
P.C.,
Defendant-Appellant.

-----X
(And another action)

Two appeals having been taken by defendant, P.T. Tenants Corp., now known as "Park Terrace" Gardens, Inc., from orders of the Supreme Court, New York County, entered on or about April 29, 2010 (Appeal No. 1) and January 11, 2011 (Appeal No. 2), respectively; and separate appeals having been taken by the two remaining defendants-appellants from the order of the Supreme Court, New York County, entered on or about January 11, 2011, and all appeals having been perfected on a joint record on appeal,

And defendant, Park Terrace Gardens, Inc., having moved for an order enlarging the time in which to perfect the appeal from the order entered on or about April 29, 2010 (Appeal No. 1), and to supplement the joint record on appeal to include Park Terrace's notice of appeal dated May 25, 2010 taken from said April 29, 2010 order,

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

Ordered that the motion is granted to the extent of enlarging Park Terrace's time to perfect Appeal No.1 to the March 2012 Term. Sua sponte, appeals # 1 and 2 are consolidated and Park Terrace's cross-appellant's brief dated September 30, 2011 is deemed to have been filed as Park Terrace's brief pursuant to its May 25, 2010 notice of appeal as well as pursuant to its February 9, 2011 notice of appeal; and Park Terrace is granted leave to file a supplemental appendix containing its notice of appeal dated May 25, 2010, the order of the Supreme Court, New York County, entered January 11, 2011, on its motion to renew and reargue, and the pertinent testimony of Raymond Pedalino, at Park Terrace's sole expense on or before January 3, 2012 for said March 2012 Term to which Term the four consolidated appeals are adjourned. The Clerk is directed to calendar the appeals for hearing together during the aforesaid March 2012 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 1, 2011.

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

-----X

WR Design Corp.,
Petitioner-Respondent,

-against-

M-4553
Index No. 104219/10

Wayne Rogers,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 17, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2012 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 1, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Howard Jackson, as Administrator of
the Estate of Benita M. Williams
Smith, etc., et al.,
Plaintiff-Respondent,

-against-

M-3813
Index No. 13313/96

City of New York, et al.,
Defendants,

New York City Transit Authority,
et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 30, 2011 (Appeal No. 5408),

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 1, 2011.

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

-----X
Hanover Insurance Company as subrogee of
Louis Glick,
Plaintiffs-Respondents,

-against-

David Andrew Krivine and Ofer Mimouni,
Defendants-Appellants.

M-4644
Index No. 600040/06

-----X

Plaintiffs-respondents having moved for dismissal of the appeal taken from judgment of the Supreme Court, New York County, on or about October 7, 2010, for failure to timely perfect,

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

It is ordered that the motion is granted to the extent of dismissing the appeal unless said appeal is perfected on or before January 3, 2012 for the March 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided plaintiff-respondent serve a copy of this order upon the appellant(s) within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
James M. Catterson
Helen E. Freedman, Justices.

-----X
In the Matter of

Justin C.,

A Person Alleged to Be a Juvenile
Delinquent,

M-4849

Docket No. D26537/10

Respondent-Appellant.

-----X

An appeal having been taken from an order of disposition of the Family Court, Bronx County, entered on or about January 18, 2011,

And respondent-appellant having moved for an enlargement of time in which to perfect 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 enlarging the time in which to perfect the appeal to the June 2012 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 1, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application for
the Guardianship and Custody of

Destiny Rose C.,

M-3988

Docket No. B-22551/09

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

- - - - -
Episcopal Social Services, et al.,
Petitioners-Respondents,

Amy D., also known as Amy Christina D.,
Respondent-Appellant.

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

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about January 24, 2011,

And petitioner-respondent, Episcopal Social Services, having moved for an order dismissing 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 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 December 1, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Universal Communications Network,
Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-3918
Index No. 600067/10

229 West 28th Owners, LLC,
Defendant-Respondent-Appellant,

-and-

Anglo Irish Bank Corporation Limited,
Defendant.

-----X

Plaintiff-appellant-respondent having moved for reargument of the decision and order of this Court entered on June 28, 2011 (Appeal No. 5470-71),

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 1, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Irene Mulcahy,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-4584
Index No. 108422/10

New York City Department of Education,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 13, 2011,

And petitioner-appellant having moved for a stay of all proceedings pending determination of the motion in a related matter before the Court of Appeals titled *Kahn v New York City Department of Education* [Index No. 112312/08] or, in the alternative, for an enlargement of time in which to perfect petitioner's appeal,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the aforesaid appeal to the May 2012 Term, with leave to seek further enlargements, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

- - - - -
Pablo S., Docket No. O-2686/11
Petitioner-Appellant,
-against-

Luz S.,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 18, 2011, 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, New York 11791, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York

from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

CORRECTED ORDER - December 12, 2011

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 1, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Nelson S. Román, Justices.

-----X
Osugama F. Swezey, etc., et al.,
Petitioner-Respondent,

-against-

M-4773

Index No. 104734/09

Merrill Lynch, Pierce, Fenner & Smith
Incorporated,
Respondent,

-and-

Philippine National Bank, et al.,
Intervenors-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 16, 2009 (mot. seq. no. 002),

And an order of this Court having been entered on February 9, 2010 (M-245) granting intervenors-appellants' motion and staying all proceedings pending hearing and determination of the aforesaid appeal,

And petitioner-respondent having moved for an order vacating the aforesaid stay,

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, the aforesaid order of Supreme Court having been reversed and the proceeding dismissed by the decision and order of this Court entered on June 16, 2011 (Appeal No. 2708).

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 1, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
Danny Velez,
Plaintiff-Respondent,

-against-

M-4889
Index No. 106352/08

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

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 17, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted.

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 1, 2011.

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

-----x

Grant Brown, as Administrator of the
Estate of Rebecca Sargent Brown,
deceased,
Plaintiff-Appellant,

-against-

Action No. 1
M-3884

David Kamlet, M.D., Jean Pascal Simon,
M.D., Barry Sloan, D.O., Steven
Goldstein, M.D., Derborah R. Hunter,
M.D., Jeremie R. Rachunow, M.D. and
Midtown Medical Center,
Defendants-Respondents.

- - - - -

Index No. 101487/06

Grant Brown, as Administrator of the
Estate of Rebecca Sargent Brown,
deceased,
Plaintiff-Respondent,

-against-

Action No. 2
M-3399

Midtown Medical Care Center,
Defendant,

Esther Sumitra-Albert, M.D. and
John McKnight, M.D.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court by plaintiff-appellant Grant Brown from the order of the Supreme Court, New York County, entered on or about August 4, 2010 (mot. seq. nos. 007, 010),

And separate appeals having been taken to this Court by Esther Sumitra-Albert, M.D. and John McKnight, M.D., respectively, from the order of said Court entered on or about June 2, 2011 (mot. seq. no. 011),

And plaintiff-respondent Grant Brown having moved for dismissal of the appeal taken by defendant-appellant Esther Sumitra-Albert, M.D. from the order entered on or about June 2, 2011 as untimely taken [Action No. 2] (M-3399),

And defendant-respondent Jean Pascal Simon, M.D. having moved for dismissal of the appeal from the order entered on or about August 4, 2010, for failure to timely prosecute [Action No. 1] (M-3884),

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 (M-3884) to dismiss the appeal from the order entered on or about August 4, 2010 is granted, and the appeal is dismissed, and it is further,

Ordered that the motion (M-3399) to dismiss the appeal from the order entered on or about June 2, 2011 is denied. Sua sponte, the matter is referred to the Office of Referees for a traverse hearing in Supreme Court, New York County, to hear and determine with respect to the issue of service of the order with notice of entry upon defendant(s)-appellant(s), with leave to the respective parties to move in this Court to confirm or disaffirm the report of the referee.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on December 1, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X

Kiwon Standen,
Plaintiff-Respondent,

-against-

M-5145
Index No. 307023/10

Daniel Standen,
Defendant-Appellant.

-----X

Plaintiff-respondent wife having moved for vacatur of an automatic stay of an extant pende lite order and for an order directing defendant-appellant husband to pay certain attorney fees pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 13, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is denied, with leave to renew, if defendant fails to perfect the aforesaid appeal on or before December 5, 2011 for the February 2012 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 1, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Police Officer Manuel Mateo,
Tax Number 928723,
Petitioner-Appellant,

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

-against-

M-4814
Index No. 102111/10

Raymond W. Kelly, as Police Commissioner
of the City of New York, the Police
Department of the City of New York
and the City of New York,
Respondents-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 August 5, 2010, to review a determination of respondents, and said proceeding having been perfected,

And respondents having moved to adjourn the aforesaid proceeding to the June 2012 Term,

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 and for aforesaid proceeding is adjourned to the June 2012 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 1, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Yousef Yahudaii,

Plaintiff-Respondent,

-against-

M-4611

Index No. 103449/08

Nourallah Baroukhian, Nourallah
Baroukhian, doing business as East
115th Street Associates, also known
as East 115th Associates,

Defendants-Appellants,

Manouchehr Malekan, et al.,

Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 23, 2010 (mot. seq. no. 008),

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 in which to perfect the appeal to the April 2012 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 1, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Tasha Chapman,

Plaintiff-Appellant,

-against-

M-4334
Index No. 570957/10

Monroe College and H&R Block,
Eastern Enterprises, Inc.

Defendants-Respondents.

-----X

Plaintiff-appellant pro se having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 16, 2011,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff-appellant pro se dated October 11, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
In the Matter of

Alexus C., also known as Alexis A.,
also known as Alexis C., also known
as Alixis C., also known as Alexis
A.; and Ashley Ciara C., also known
as Ashley C., also known as Ashley A.,

M-4922
Docket Nos. B25292/09
B25293/09

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

- - - - -
Graham-Windham Services to Families
and Children, et al.,
Petitioners-Respondents,

Jacqueline A.,
Respondent-Appellant.

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

-----X
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, both entered on or about March 23, 2011, 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, Geoffrey P. Berman, Esq., 2005

Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2011.

Present - Hon. David B. Saxe,	Justice Presiding,
David Friedman	
Leland G. DeGrasse	
Helen E. Freedman	
Sheila Abdus-Salaam,	Justices.

-----x
ABKCO Music & Records, Inc.,

Plaintiff-Appellant,

-against-

M-2747
Index No. 110349/05

Nathaniel Montague, et al.,

Defendants-Respondents.

-----x

Plaintiff-appellant having moved for clarification of the decision and order of this Court entered on May 26, 2011 (Appeal No. 4325),

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 decision and order of this Court entered on May 26, 2011 (Appeal No. 4325) and substituting a new decision and order therefor. (See Appeal No. 4325, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
Nata S. Bob,

Plaintiff-Respondent,

-against-

M-3540
Index No. 403033/10

Steven Cohen/Alan Cass & Associates,

Defendants-Appellants.

-----x

Appeals having been taken to this Court by defendants from orders of the Supreme Court, New York County, entered on or about May 11, 2011 (mot. seq. no. 002) and July 14, 2011 (mot. seq. no. 003), respectively,

And defendants-appellants 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 to the extent of permitting defendants-appellants to prosecute the consolidated appeals upon 8 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11.

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 1, 2011.

Present - Hon. David B. Saxe,	Justice Presiding,
David Friedman	
Rolando T. Acosta	
Leland G. DeGrasse	
Sheila Abdus-Salaam,	Justices.

-----x

Stephen Sicilia,	
Plaintiff-Respondent,	M-3874

-against-

Index No. 103443/03

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

- - - - -

City of New York, et al.,
Third-Party Plaintiffs,

-against-

Index No. 591187/03

Mainco Elevator & Electrical Corp.,
Third-Party Defendant.

- - - - -

Vertex Engineering Services,
Second Third-Party Plaintiff-
Respondent,

-against-

Index No. 590497/04

Mainco Elevator & Electrical Corp.,
etc.,

Second Third-Party Defendant.

- - - - -

Mainco Elevator & Electrical Corp.,
etc.,

Third Third-Party Plaintiff,

-against-

Index No. 591130/04

Prude Construction Corporation,
Third Third-Party Defendant,

-and-

JB Electric Corporation,
Third Third-Party Defendant-
Appellant.

-----x

Defendants-respondents City of New York, et al. having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 3, 2011 (mot. seq. no. 016),

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. Sua sponte, the matter is referred to the Office of Referees for a traverse hearing in Supreme Court, New York County, to hear and determine with respect to the issue of service of the order with notice of entry upon appellant, with leave to the respective parties to move in this Court to confirm or disaffirm the report of the referee.

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 1, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
In the Matter of the Application of
Metropolitan Movers Associates, Inc.,
et al.,
Petitioners-Respondents,

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

-against-

John C. Liu, as Comptroller of the
City of New York,
Respondent-Appellant.

M-4652
M-5009
Index No. 112694/10

- - - - -
Teamsters Joint Council 16,
Service Employees International
Union, Local 32B-J,
Amici Curiae.

-----X
An appeal having been taken to this Court by John C. Liu, as Comptroller of the City of New York, from an order of the Supreme Court, New York County, entered on or about May 6, 2011, an said appeal having been perfected,

And the Teamsters Joint Council 16, and Service Employees International Union, Local 32B-J, having moved separately for leave to file briefs amici curiae (M-4652/M-5009),

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 directing the proposed amicus curiae Teamsters Joint Council 16 to file 9 copies of the proposed brief submitted with the moving papers to this Court forthwith (M-4652). The copies of the proposed amicus curiae brief of Service Employees International Union and Local 32B-J submitted to this Court with the affirmation of Elizabeth A. Baker in support of SEIU Local 32B-J's amicus brief are deemed filed (M-5009).

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 1, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-3781
Ind. No. 4983N/09

Almando Moss,

Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 24, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 December 1, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

Franklin Mata,
Defendant-Appellant.

M-3907
Ind. No. 1471/11

-----X
Defendant having moved pro se and via retained counsel, Edward J. Mandery, Esq., for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 10, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to 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 serve one copy of such brief upon the District Attorney of said county and file ten reproduced copies of such brief, together with the original record, with this Court.

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

ENTER:


CLERK

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-736 &
M-3337
Ind. No. 5683/06

-against-

CERTIFICATE
DENYING LEAVE

Jeffrey Burkes,
Defendant.

-----X
I, Richard T. Andrias, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law Section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the Order of the Supreme Court, New York County,
(Gregory Carro, J.), entered January 12, 2011, which denied
defendant's motion pursuant to CPL 440.10, and from the Order,
same court and Justice, dated May 4, 2011, which denied
defendant's motion to renew and reargue, is hereby denied.

Dated: New York, New York
November 10, 2011

ENTERED DEC 01 2011


Justice of the Appellate Division

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 1, 2011.

Present - Hon. Peter Tom,	Justice Presiding,
Karla Moskowitz	
Rosalyn H. Richter	
Sheila Abdus-Salaam	
Nelson S. Román,	Justices.

-----X
In the Matter of the Application of
Windermere Holdings, LLC, et al.,
Petitioners-Respondents,

	M-4882
For an Order Discharging the Mechanic's	Index No. 104351/11
Lien filed by	

Murray Engineering, P.C.,
Respondent-Appellant.
-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about October 5, 2011 (mot. seq. nos. 001, 002),

And respondent-appellant having moved for a stay of that portion of the order which granted petitioners' motion (mot. seq. no. 001) and vacated a certain mechanics lien, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 1, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Liszeida Perez, etc.,

Plaintiff-Respondent,

-against-

M-4625
Index No. 302208/10

Keyspan Corporation, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about March 17, 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.

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 1, 2011.

Present: Hon. Luis A. Gonzalez,	Presiding Justice,
John W. Sweeny, Jr.	
James M. Catterson	
Leland G. DeGrasse	
Rosalyn H. Richter,	Justices.

-----X
Leida Ramos and Jose L. Benvenutty,
Plaintiffs-Respondents,

-against-

M-4557
Index No. 305662/09

Willis Rodriguez, et al.,
Defendants,

Executive Pickups,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 21, 2011,

And defendant-appellant having moved to stay trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


CLERK